


Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1558/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	03/11/2022	<p>The present appellant initially went in Writ Petition before the Hon'ble Peshawar High Court Peshawar and the Hon'ble High Court vide its order dated 08.09.2022 while treating the Writ Petition into an appeal and has sent the same to this Tribunal for decision in accordance with law. This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put up there on _____.</p> <p style="text-align: right;">By the Order of Chairman  REGISTRAR</p>

(K)



The
PESHAWAR HIGH COURT
Peshawar

Ph: No. 091-9210149-58

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 1852

Dated 03/11/2022

No. 60728 (1)/1958/2022/WP-MN

Dated. 02-November-2022

From

Deputy Registrar (J),
Peshawar High Court,
Peshawar.

To

✓
The Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Subject: Writ Petitions W.P 128/2021 Title: Khalil Ullah VS Chairman KPPSC & Others

Memo,

I am directed to send herewith the titled case in original alongwith all annexures and copy of order of this Honble Court dated 08.09.2022 for decision.

R Deputy Registrar (J)
[Signature]

Encl: As above.

(8)

PESHAWAR HIGH COURT, PESHAWAR

Form of Order Sheet

Date of Order of Proceedings	Order of other Proceedings with Signature of Judge.
1	2
08.9.2022	<p><u>W.P No.128-P/2021 with IR</u></p> <p>Present:</p> <p>Mr. Javed Iqbal Gulbela, Advocate, for the petitioner.</p> <p>Malik Akhtar Hussain Awan, AAG, along with Mr. Mehtab Gul, Law Officer, on behalf of KPPSC.</p> <p>*****</p> <p><u>QAISER RASHID KHAN, CJ.</u> - Through the instant writ petition, the petitioner has prayed as under:</p> <p><i>“It is, therefore, most humbly prayed that on acceptance of the instant petition, the impugned office order No.KP/PSC/Admn/LF-1174/014937 dated 31.12.2020 of the office of the Chairman KPPSC be set aside, and the penalties imposition order be declared as illegal and void.</i></p> <p><i>It is further prayed that the petitioner be considered for his due promotion in the upcoming “DPC” meeting.”</i></p> <p>2. The grievance of the petitioner is that, a penalty of ‘withholding of promotion for three years’ was imposed upon him by the respondents, after conducting an inquiry against him, whereafter, he preferred a Writ Petition No.5315-P/2020 before this court, which was decided in the following terms:</p>

“Perusal of record would reveal that the petition was proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and under rule 14(5) of the rule ibid was awarded minor penalty of ‘withholding promotion for three years’ as provided in Rule 4(1)(a)(ii) of the rules ibid. The same rules provide remedy of departmental appeal and review under rule 17 to the higher authority. Learned counsel for petitioner when confronted with the above legal proposition, he could not wriggle out of the situation, however, requested that this writ petition be converted into an appeal and be transmitted to the respondent No.1 to be treated as departmental appeal and decided in accordance with law. Order accordingly. However, it is expected that the authority shall decide the appeal as early as possible but no later-than a month”

Thereafter, the department, after holding some inquiry against the petitioner, reduced the penalty from ‘withholding of promotion for three years’ to ‘withholding of promotion for one year’, giving rise to the present petition.

3. At the very outset, the learned AAG has come up with a copy of Notification dated 04.7.2013 issued by the Khyber Pakhtunkhwa Establishment Department, which is placed on file, and states that the petitioner is a civil servant, and hence in view of Article 212 (2) of the Constitution of Islamic Republic of Pakistan, 1973, this Court lacks jurisdiction to entertain the present writ petition. The learned counsel for the petitioner states that in the earlier comments furnished by the respondents, no such objection was raised and

even in the instant petition, no objection in respect of maintainability of the petition has been pointed out. He referred to the comments wherein nothing has been mentioned in respect of the status of the petitioner as to whether he is a civil servant or otherwise. At the end, he requested that the petitioner may be allowed to approach the learned Service Tribunal in this respect. The learned AAG did not object to the request of the petitioner.

5. In view of the peculiar facts and circumstances of the case, the petitioner cannot be left remediless and that too, in view of the no objection of the learned AAG. Accordingly, we direct the office to treat the present writ petition to be an appeal and send it to the learned Khyber Pakhtunkhwa Service Tribunal for its decision in accordance with the law, after retaining copy of the documents for the purpose of record.

This petition stands disposed of in the above terms.

Announced:
08.9.2022


CHIEF JUSTICE


JUDGE

URGENT FORM

IN THE PESHAWAR HIGH COURT, PESHAWAR

WP No. _____-P/2021

Khalil Ullah
VERSUS

Chairman KPPSC & Others

The Grounds of urgency are:

The Respondents are going to arrange a meeting of the impugned Departmental Promotional Committee (DPC) for promotion to the Post of Senior Clerks, in the upcoming weeks. In the circumstances of the case, early fixation of the accompanying case is indispensable.

Dated: 02/01/2021

Petitioner

Through

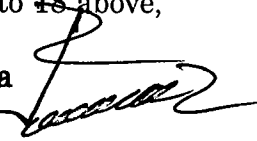

Javed Iqbal Gulbela
Advocate High Court
Peshawar

BEFORE THE HON'BLE PESHAWAR HIGH COURT, PESHAWAR
CHECK LIST

1.	Case title <i>Khalil Ullah vs KPPSC & others</i>		
2.	Case is duly signed.	✓Yes	No
3.	The law under which the case is preferred has been mentioned.	✓Yes	No
4.	Approved file cover is used.	✓Yes	No
5.	Affidavit is duly attested and appended.	✓Yes	No
6.	Case and annexure are properly paged and numbered according to index.	✓Yes	No
7.	Copies of annexure are legible and attested. If not, then better copies duly attested have annexed.	✓Yes	No
8.	Certified copies of all requisite documents have been filed.	✓Yes	No
9.	Certificate specifying that no case on similar grounds was earlier submitted in this court, filled.	Yes	No
10.	Case is within time.	Yes	No
11.	The value for the purpose of court fee and jurisdiction has been mentioned in the relevant column.	Yes	No
12.	Court fee in shape of stamp papers affixed. For writ Rs. 500, for other as required	✓Yes	No
13.	Power of attorney is in proper form.	✓Yes	No
14.	Memo of addressed filed.	✓Yes	No
15.	List of books mentioned in the petition.	✓Yes	No
16.	The requisite number of spare copies-attached { Write petition- 3, Civil appeal(SB-2) Civil Revision (SB-1, DB-2)	Yes	No
17.	Case (Revision /appeal/petition etc) is filled on a prescribed form.	Yes	No
18.	Power of attorney is attested by jail authority (for jail prisoner only)	Yes	No

It is certified that formalities /documentations as required in column 2 to 18 above, have been fulfilled.

Name:-Javed Iqbal Gulbela

Signature: - 

Dated: - 02-01-21

FOR OFFICE USE ONLY

Case: - _____

Case received on _____

Complete in all respect: Yes/No, (If NO, the grounds) _____

Signature _____

(Reader)

Dated: - _____

Countersigned: - _____

(Deputy Registrar)

**IN THE PESHAWAR HIGH COURT, PESHAWAR
OPENING SHEET FOR WRIT BRANCH**

Date of Filing: **02/01/2021**

District: **Peshawar.**

Case Type: **Writ Petition**

Nature of Original Proceeding:

Category Code are given at sheet)	5	0	7	0	9	(Categories & Sub categories The back of the opening
Review/ Contempt of Court in respect of: Writ of:						
Heabus Corpus		Prohibition		Mandamus		Quo ...
						Certiorari

If Certiorari:

Forum	Date	(I)nterlocutory/ (F)inal Order	Case Pertains to
		Interlocutory	<input type="checkbox"/>
			SB <input type="checkbox"/>
			DB <input type="checkbox"/>
Petitioner Name	Khalil Ullah S/o Faiz Ullah Khan		
Mobile No.	0345-9192821		
Address	Junior Clerk (BPS-11) at Khyber Pakhtunkhwa Public Service Commission, Mall Road, Tehsil & District Peshawar.		
CNIC No.	17301-1502187-7		
Email Address			
Counsel for Petitioner(s)	JavedIqbal Gulbela		
Mobile No.	0345-9405501		
Address	9-A Al-Nimra Centre Qazi Plaza Government College Chowk Peshawar.		
CNIC No.	17301-1496065-7		
Email Address	Javediqbalgulbela1980@gmail.com		
Respondents	Khyber Pakhtunkhwa Public Service Commission & Others		
Address	Khyber Pakhtunkhwa Public Service Commission & Others		

Prayer : It is, therefore, most humbly prayed that on acceptance of the instant petition, the impugned office order No: KP/PSC/ ADMN/LF-1174/014937 dated: 31/12/2020 of the office of the Chairman KPPSC be set aside, and the penalties imposition order be declared as illegal and void. It is further prayed that the petitioner be considered for his due promotion in the upcoming "DPC" meeting.

Law/Rules/governing the original proceedings/action/inaction, Constitution of Islamic Republic of Pakistan 1973

Signature

Note: Any suggestion to improve the Performa will be appreciated.

RE-FILED TODAY

Deputy Registrar

08 JAN 2021

FILED TODAY

Deputy Registrar

04 JAN 2021

IN THE HONORABLE PESHAWAR HIGH COURT
PESHAWAR

Service Tribunal Appeal No. 1558/2022

In W.P No- 123-P/2021

Khalil Ullah

VERSUS

Chairman KPPSC & Others

I N D E X

S#	Description of Documents	Annexure	Page#
1.	Writ Petition		1-11
2.	Affidavit		12
3.	Memo of Addresses		13
4.	Copy of Office Notification dated 30/04/2008	"A"	14-15
5.	Copies of Application & Roll No Slip	"B & C"	16-18
6.	Copy of Notification dated 12-08-2020	"D"	19
7.	Copy of earned leaves record	"E"	20
8.	Copies of Charge Sheet, Statement of Allegation, and Reply	"F, G & H"	21-23
9.	Copies of Illegal Findings, Show-Cause Notice & Reply	"I, J & K"	24-26
10.	Copy of Impugned Office Order dated 09-11-2020	"L"	27
11.	Copy of Judgment dated 03/12/20	"M"	28-29
12.	Copy of impugned order dated 31/12/2020	"N"	30
13.	Copy of Seniority List for the year 2020	"O"	31-33
14.	Court Fee and Notice		34-35
15.	Wakalat Nama		36

Dated: 02/01/2021

Petitioner

FILED TODAY

Deputy Registrar

14 JAN 2021

Through

Javed Iqbal Gulbela
Advocate, High Court,
Peshawar

①

IN THE HON'BLE PESHAWAR HIGH COURT
PESHAWAR

Service Tribunal Appeal No. 1558/2022

In W.P No 123-P /2021

Khalil Ullah S/o Faiz Ullah Khan, Junior Clerk (BPS-11)
at Khyber Pakhtunkhwa Public Service Commission, Mall
Road, Tehsil & District Peshawar.

.....Petitioner

VERSUS

1. Khyber Pakhtunkhwa Public Service Commission through its Chairman at Khyber Pakhtunkhwa Public Service Commission, Mall Road, Peshawar.
2. Secretary Khyber Pakhtunkhwa Public Service Commission, at Mall Road, Peshawar.
3. Director Administration Khyber Pakhtunkhwa Public Service Commission at Mall Road, Peshawar.

.....Respondents

PETITION **UNDER**
ARTICLE **199** **OF**
CONSTITUTION **OF**
THE **ISLAMIC**
REPUBLIC **OF**
PAKISTAN 1973.

FILED TODAY
(Signature)
Deputy Registrar
04 JAN 2021

Respectfully Sheweth,

RE-FILED TODAY
(Signature)
Deputy Registrar
08 JAN 2021

1. That the Petitioner is a naturally born bonafide citizen of the Islamic Republic of Pakistan & hails from respectable family.

2. That after going through the mandatorily required criteria & after being envisaged with the ordeals & inquisitions of Selection Process, the petitioner got appointed and was inducted onto the rolls of this prestigious department as Junior Clerk (BPS-11) back in the year 2008 vide Office Notification No: PSC-ADMN-1/2008/18927-30 dated 30/04/2008. **(Copy of Office Notification dated 30/04/2008 is annexed as Annexure "A")**
3. That during the course of his employment, the petitioner always remained a dutiful & pragmatic fellow, who never left any stone unturned in performance of his duties, hence was appraised on certain junctures by the high ups for his work ethic & behavior.
4. That it was in the back drop of August 2020, the petitioner applied for 15 days earned leaves to the Secretary Khyber Pakhtunkhwa Public Service Commission through proper channel, vide an application dated 17/09/2020 for the reason that the petitioner was going to appear in Annual examination of Medical Laboratory Technician which was going to take place in Karachi on 20-08-2020. Moreover, one Umar Farooq, Junior Clerk acknowledged to perform the duties in absence of the petitioner during his leave period. Moreover the application was duly acknowledged by Assistant Director Admin & Deputy Director Admin & have accordingly written their comments upon the application that the petitioner may be allowed earned leaves on the very same day. **(Copies of Application**

FILED TODAY
Deputy Registrar

04 JAN 2021

& Roll No Slip is annexed herewith as Annexure "B & C" respectively).

5. That it would be of equal importance to mention here that all the offices of the Khyber Pakhtunkhwa Public Service Commission were non-operational due to Covid-19 pandemic and the same were made operational w.e.f 17-08-2020 vide Office Circular No: KPA/PSC/Admn/007544 dated 12-08-2020 of the Office of Chairman Khyber Pakhtunkhwa Public Service Commission. Now by virtue of what has been discussed above, due to closure of concerned offices, the application of the petitioner could not be processed in time, inspite of being moved in time, but presented to Secretary KPPSC on 26/08/2020 instead of from 17/08/2020 to 19/08/2020 as the examination was scheduled for 20/08/2020 and the petitioner had to appear in the same. (Copy of Notification dated 12-08-2020 is annexed as Annexure "D")

6. That the petitioner is already having a total balance of 553 days earned leaves in his account, which further clarifies his punctuality & his approach towards his professional career. (Copy of earned leaves record is annexed as annexure "E").

FILED FOR AY
Deputy Registrar
04 JAN 2021

7. That after the commencement of exam, when the petitioner again joined his duties at the Respondent Department, the petitioner was hit by a great grief when suddenly out of the blue, he was served with a charge sheet along with the statement of

allegations vide Office Order No: KP/PSC/Admn/PF-212/008797 dated NIL, whereby an inquiry officer was nominated to initiate proceedings against the petitioner. After receiving the charge sheet along with the statement of allegation, the petitioner replied the same vide Diary No: 3057 dated 14-09-2020. **(Copies of Charge Sheet, Statement of Allegation, and Reply are annexed as Annexure "F,G & H" respectively).**

8. That no proper inquiry was conducted nor the petitioner was ever extended any opportunity of personal hearing and even then the penalty of withholding promotion for three years was imposed upon the petitioner. **(Copies of Illegal Findings, Show-Cause Notice & Reply are annexed as Annexure "I, J & K" respectively).**
9. That the Competent Authority while exercising its powers, imposed a penalty of withholding promotion for three years vide Office Order No: KP/PSC/Admn/PF-212/01169 dated 09-11-2020 of the office of Secretary KPPSC. **(Copy of Impugned Office Order dated 09-11-2020 is annexed herewith as Annexure "L")**
10. That feeling aggrieved from the acts of Respondent KPPSC, the petitioner approached this Hon'ble Court in Writ Petition No: 5315-P/2020, which was decided on 03/12/2020, in which this Hon'ble Court held that:

"this writ petition be converted into an appeal and be transmitted to Respondent

FILED TODAY
 Deputy Registrar
 04 JAN 2021

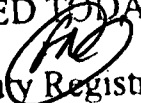
No:1 to be treated as Departmental Appeal and decided in accordance with law. Order accordingly. However, it is expected that the authority shall decide the appeal as early as possible but not later than a month."

(Copy of Judgment dated 03/12/2020 is annexed as Annexure "M").

11. That the Respondent KPPSC decided the Departmental Appeal of the Petitioner vide impugned Office Order No: KP/PSC/Admn/LF-1174/014937 dated 31/12/2020 whereby the appellate authority converted the withholding of the petitioners promotion from three years to one year, which act of the Appellate Authority is against the law governing the subject. (Copy of Impugned Officer Order dated 31/12/2020 is annexed as Annexure "N")
12. That from the Supra-mentioned episode the grievances that comes into existence, having no other efficacious remedy available elsewhere & forum to addressed at the Petitioner, approaches this August Court for recognition, enforcement and acknowledgement of his due and fundamental rights, inter alia on the following grounds:-

Grounds:-

- A. That there exist no other expedient-cum-expeditious and adequate remedy available elsewhere, hence the instant

FILED TODAY

 Deputy Registrar
 04 JAN 2021

(6)

petition under the extra-ordinary jurisdiction of this August Court.

B. That the petitioner is naturally born bonafide citizen of the Islamic Republic of Pakistan and is fully and equally, on equality basis, entitled to all basic and fundamental rights as enshrined in the fundamental law of the land, interpreted, guaranteed and enforced by the laws and law Courts of the land.

C. That the impugned office order dated 09/11/2020 and 31/12/2020 are illegal, illogical, unlawful, unwarranted, void ab-initio and against the rights of the petitioner, hence the same is liable to be set aside.

FILED TODAY
Deputy Registrar
04 JAN 2021

D. That this fact would be of great importance to mention here that the petitioner is on top of the merit list for his due promotion, and the Respondent

Department is going to conduct a "DPC" meeting in the upcoming weeks, for promotion to the post of Senior Clerks, but in order to oust the petitioner from his due promotion process, was malafidely been envisaged with the instant unwarranted episode of penalization, which under the law is not allowed. (Copy of Seniority List for the year 2020 is annexed as Annexure 'C')

E. That where the petitioner already possess a balance of 553 days earned leaves in his account, then declining the application of the petitioner for earned leaves by the worthy Secretary is illogical, unlawful, unwarranted.

F. That where all the offices concerned were non-operational due to Covid-19 pandemic, which were later on made operational, but even then, the petitioner moved the application in

FILED TODAY
Deputy Registrar
04 JAN 2021

8

question for earned leaves well in time, which was duly recommended and was allowed by Assistant Director and Deputy Director Admin on the very same day, which was further put up for perusal to the worthy Secretary KPPSC on 26/08/2020. Now by virtue of what has been discussed above, earned leaves would have served no useful purpose if the same was allowed after the date of the examination i.e. 20/08/2020 and hence the petitioner would have suffered irreparable and incomparable loss.

G. That no opportunity of personal hearing was extended to the petitioner, nor was ever heard in person, even then, firstly, penalty of withholding of promotion for a period of three (3) years was imposed upon the petitioner, and secondly while deciding the Departmental Appeal of the Petitioner, his promotion was withheld for a period of 1 year, which by the

FILED TODAY
Deputy Registrar
04 JAN 2021

9

books of law is not only illegal and unwarranted but the same is also malicious to the core.

H. That the petitioner was not even extended the opportunity to cross-examine any witness, even no final show-cause notice was ever issued to the petitioner, which in the eyes of law is not tenable at all.

I. That such reckless demeanor on part of the Respondent Department is an unreasonable departure from the principles of policy, contain within the Constitution requiring them to secure wellbeing of the petitioner by ensuring equal adjustment of rights between the employer respondents and employee petitioner.

FILED TODAY
Deputy Registrar
04 JAN 2021

J. That it is a cherished principle of law that where a law requires a thing to be

done, the same has to be done in a particular manner and not otherwise.

K. That from every angle, the impugned office order is illegal and unlawful and the same is liable to be set aside.

L. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant petition, the impugned office order No: KP/PSC/ADMN/LF-1174/014937 dated: 31/12/2020 of the office of the Chairman KPPSC be set aside, and the penalties imposition order be declared as illegal and void.

It is further prayed that the petitioner be considered for his due promotion in the upcoming "DPC" meeting.

FILED TODAY
Deputy Registrar

04 JAN 2021

Any other relief not specifically asked for, may graciously be extended in favor of the petitioner, in circumstances of the case.

Interim Relief:

By way of interim relief, the Respondents be restrained from carrying out any promotions

(1)

to the post of Senior Clerks, till the final disposal of the instant case.

Dated :02/01/2021

Petitioner

Through

Javed Iqbal Gulbela

Saghir Iqbal Gulbela

&

Ahsan Sardar

Advocates, High Court,
Peshawar

Certificate:-

Earlier, the petitioner has filed a writ petition No: 5315-P/2020 which was converted into Departmental Appeal and was remitted back to the Respondent KPPSC, hence the instant petition.

ADVOCATE

Law Books:-

1. Constitutional of Islamic Republic of Pakistan 1973
2. Case law according to need.

ADVOCATE

FILED TODAY

Deputy Registrar

04 JAN 2021

IN THE PESHAWAR HIGH COURT, PESHAWAR

W.P No. 123P /2021

Khalil Ullah S/O Faiz Ullah Khan R/O Mera Mashu Guggar, Mashu Guggar, P/O Badhber, Tehsil and District, Peshawar

.....Petitioner

V E R S U S

Khyber Pakhtunkhwa Public Service Commission through its Chairman at Khyber Pakhtunkhwa Public Service Commission, Mall Road, Peshawar and others

.....Respondents

AFFIDAVIT


I, Khalil Ullah S/O Faiz Ullah Khan R/O Mera Mashu Guggar, Mashu Guggar, P/O Badhber, Tehsil and District, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the **Writ Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

Identified by:



Javed Iqbal Gulbela
Advocate, High Court
Peshawar

Handwritten signature
DEPONENT
CNIC No.17301-1502187-7
Cell#0345-9192821

FILED TODAY

Deputy Registrar
04 JAN 2021

No. 75243
Certified
affirmed
by
Khalil Ullah
Peshawar
Javed Iqbal
Who is present
Date: 04/01/2021

(13)

IN THE HONORABLE PESHAWAR HIGH COURT
PESHAWAR

In W.P No- 127 P /2021

Khalil Ullah

VERSUS

Chairman KPPSC & Others

ADDRESSES OF PARTIES

ADDRESS OF PETITIONER

Khalil Ullah S/o Faiz Ullah Khan Junior Clerk (BPS-11)
at Khyber Pakhtunkhwa Public Service Commission, Mall
Road, Tehsil & District Peshawar

ADDRESSES OF RESPONDENTS

1. Khyber Pakhtunkhwa Public Service Commission
through its Chairman at Khyber Pakhtunkhwa Public
Service Commission, Mall Road, Peshawar.
2. Secretary Khyber Pakhtunkhwa Public Service
Commission, at Mall Road, Peshawar.
3. Director Administration Khyber Pakhtunkhwa Public
Service Commission at Mall Road, Peshawar.

Dated : 02/01/2021

Petitioner

Through

FILED TODAY
Deputy Registrar
04 JAN 2021

JAVED IQBAL GULBELA
Advocate, High Court,
Peshawar.

(13) (14)

Ann "A"

NWFP PUBLIC SERVICE COMMISSION, PESHAWAR

OFFICE ORDER

On recommendations of the NWFP Public Service Commission the following candidates are hereby appointed as Junior Clerk (BPS-07) on temporary basis against vacant posts at an initial pay of Rs 2940-160-7740 per month plus usual allowances as admissible under the rules:-

S.No	Merit Order No	Name/Father Name	Address
1.	01	Shahadat Khan S/O Sakhawat Khan	Office of the Senior Manager, House #53-c / 1, Gul Mohat Lane, University Town Peshawar.
2.	02	Sharif Khan S/O Madad Khan	Village Mashogagar, P/O Badaber, Teh. & Distt: Peshawar.
3.	03	Fakhre Alam S/O Mir Akbar Khan	C/O Haroon Rashid Stenographer, Population Welfare Deptt., FC building Peshawar Cantt.
4.	04	Shaukat Ali S/O Shams ul Islam	C/O Chowkidar, NWFP Public Service Commission.
5.	05	Zar Muhammad S/O Musafar Khan	Al Farooq Institute of Stenography, Opposite Custom House, University Town Peshawar.
6.	06	Fazli Amin S/O Toor Gul	Village Geedar P/O Tarnab, Teh. & Distt: Charsadda.
7.	07	Khalil Ullah S/O Faiz Ullah Khan	Mohalla Ghali Khel, Village Mashogagar, P/O Badaber, Teh. & Distt: Peshawar.
8.	08	Hidayat Khan S/O Ashraf Khan	Village Mashogagar, Teh. & Distt: Peshawar.
9.	09	Muhammad Naveed Khan S/O Mukaram Khan	Mohalla Ghali Khel, Village Mashogagar, P/O Badaber, Teh. & Distt: Peshawar.
10	10	Suleman Khan S/O Rooh Ullah Jan	Village Geedar, P/O Tarnab, Teh. & Distt: Charsadda.
11	11	Arif Khan S/O Fazal Nabi	Village & P/O Hassan Zai, Teh: Shabqadar Distt: Charsadda.
12	12	Rab Nawaz Khan S/O Fazal Karim	Mohalla Ghaffar Khel, Village Mashogagar, P/O Badaber, Teh. & Distt: Peshawar.

Their appointment are however, subject to the following conditions: -

- i) They will be on probation for a period of two years extendable for a further period of one year.
- ii) They will have no pensionary benefits. However, they will be entitled to CP Fund as per rules of the Provincial Government.
- iii) Their appointment will be subject to verification of their character and antecedents.
- iv) Their appointment will be subject to being found medically fit by the competent authority.

JAVED IQBAL Gul Bala
Daudzal Law Chamber
Advocate High Court Peshawar
M.W. 0398-808801

JAVED IQBAL Gul Bala
Daudzal Law Chamber
Advocate High Court Peshawar
M.W. 0398-808801

- 14 15 2 17
- vi) They will not directly / indirectly correspond with any local or foreign individual/agency or Office for any purpose without permission, in writing of his present employer.
- vii) In other matters, they will be governed by such orders, rules, and regulations as may be made in-force from time to time.
- viii) No. TA/DA will be admissible for joining this appointment.

If they are willing to accept the offer on the Terms and conditions mentioned above, they should report for duty to the office of NWFP Public Service Commission immediately but not later than **28.05.2008** otherwise, this offer shall stand cancelled automatically.

Sd/-
SECRETARY

Dated 30 / 04 / 2008

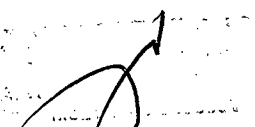
No. PSC-Admn-1/2008/ 18927-30

Copy to: -

1. Accountant General NWFP Peshawar.
2. Cashier NWFP Public Service Commission.
3. Medical Superintendent Police & Service Hospital Peshawar for the purpose of medical examination of the newly appointed Junior Clerk (BPS-07) in the office of NWFP, Public Service Commission.
4. Individual Concerned.
5. Personal File of the individual.
6. Office Order File.


SECRETARY

RECEIVED
Public Service Commission
Peshawar
Date: 30/04/2008



To:

The Secretary,
KPK Public Service Commission,
Peshawar.

(16)
Ann B

Subject: APPLICATION FOR FIFTEEN DAYS EARNED LEAVE:

R/Madam,

With humble submission it is stated that my papers for the Diploma of Laboratory Technician are to be held w.e.f. 20-08-2020 in Medical Facility Karachi. Therefore, I am requested for fifteen (15) days earned leave from 18-08-2020 to 03-09-2020. (Date sheet and Roll number slip attached).

I shall be very thankful to you for this favors.

Yours Sincerely,

YD
17/8/20

(KHALIL ULLAH)

J/C Exams(c)

Dated: 17-08-2020.

2. I will be perform duty in absence of Mr. Khalitullah J/C during his leave period.

3. Asst

He may be allowed p12.

U
17/8/2020

UMAR FAROQ J/C

4. Sec II

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-360001

17/08/2020

17/8/2020

by Mr. Khalitullah

leave applied for may be allowed as Mr. Umar Farooq will look after his secret in his absence p1

4. ADA Putap on file

17/8/2020

17/8/2020

17/8/2020

(15) (17)

Ann C

REGULAR
(G100)

Smith Medical Faculty

DIRECTOR, CONTROLLER OF EXAMINATIONS
1st Floor, P.O. Box 10, New Delhi, India

ADMIT CARD

EXAMINATION CARD
(No photocopy allowed)

Annual Examination 2011-12

Fold here

Roll No. **003381**

Name: **Shahid**

FATHER'S NAME: **Shahid**

TRAINING CENTRE:

COURSE:

EXAMINATION: **THE 1st**

Fold here

Equipment No.:

Section:

Fold here

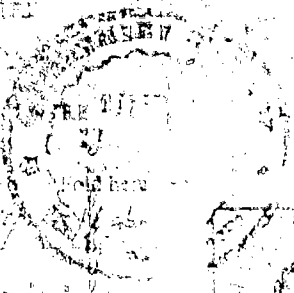
SCHEDULE OF EXAMINATION

1. Theory Paper

2. Practical Paper

Fold here

Head of Institute
Stamp with name



SAVED IQBAL Gul Bela
Daudzai Law Chamber
 Advocate High Court Peshawar
 Mob: 0345-9405501

[Handwritten signature]

SINDH MEDICAL FACULTY
DIRECTOR CONTROLLER OF EXAMINATION
ADMIT CARD
CANDIDATES COPY

Roll No. 003381

To the filled by factory

Name:- Khalil Ullah

Father Name:- Sami Ullah

Traning Centre

Course:- Law

Examination Centre

Enrolment No.

Session 2017-19

C.N.I.C 17301-1562187-7

Director Controller

Head

Fold Here

SCHEDULE OF EXAMINATION

- 1) Theory Paper _____
- 2) Practical/viva examination as announced.

Signature

Head of Institue

Stamp with name

Signature of candidate

IAVED IQBAL Gul Bela
Qaudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

2	...	...
3	...	...
4	...	...
5	...	...
6	...	...
7	...	...
8	...	...
9	...	...
10	...	...
11	...	...
12	...	...
13	...	...
14	...	...
15	...	...
16	...	...
17	...	...
18	...	...
19	...	...
20	...	...
21	...	...
22	...	...
23	...	...
24	...	...
25	...	...
26	...	...
27	...	...
28	...	...
29	...	...
30	...	...
31	...	...
32	...	...
33	...	...
34	...	...
35	...	...
36	...	...
37	...	...

Gul Bala
 Advocate
 Court Position
 Mob. 9343-940301

**THEORY EXAMINATION SCHEDULE
ANNUAL EXAMINATION IS SUPPLEMENTARY EXAMINATION OF
DISPENSER IN OTHER PARA MEDICAL CURSES (REGULAR + BBS VDP)**

S.No	Name of Courses	20-08-2020 Thursday	21-08-2020 Friday	22-08-2020 Saturday	24-08-2020 Monday
1	Dispenser	Theory Paper			
2	E.C.G Tech	Theory Paper			
3	Genealogy	Theory Paper			
4	..... Inspector tech	Theory Paper			
5	Sanitary Inspector Tech	Theory Paper			
6	Cardiac critical care Tech	Theory Paper			
7	Health technician	Theory Paper-I	Theory Paper-II	Theory Paper-III	
8	Operation T-Tech		Theory Paper		
9	Physiotherapy Tech		Theory Paper		
10	N.C.U Tech		Theory Paper		
11	Ultrasound Tech		Theory Paper		
12	C.S.S.D Tech		Theory Paper		
13	Laboratory Tech			Theory Paper	
14	X-ray Tech			Theory Paper	
15	Paids Dialysis			Theory Paper	
16	Ophthalmic O.T			Theory Paper	
17	Ref: tech			Theory Paper	
18	E.M.T Tech			Theory Paper	
19	Cardiac Sur. Assist.			Theory Paper	
20	D.S.A				Theory Paper
21	Antes Tech				Theory Paper
22	Paeds Tech				Theory Paper
23	Blood transferring				Theory Paper
24	Ophrhatmie Tech				Theory Paper
25	L.C.U Tech				Theory Paper
26	Hemodialysis Tech				Theory Paper
27	CT scane				Theory Paper
28	Dip.Lab Tech (1 st Year)	Theory P-I	Theory P-II		
	Dip.Lab Tech (2 nd Year)			Theory	
29	Dip.O Tech (1 st Year)	Theory P-I	Theory P-II		
	Dip.O Tech (2 nd Year)			Theory	
30	Dip.DHY. Tech (1 st Year)	Theory P-I	Theory P-II		
	Dip.DHY. Tech (1 st Year)			Theory	
31	Dip.X-ray Tech(1 st Year)	Theory P-I	Theory P-II		
	Dip.X-ray Tech(2 nd Year)			Theory	
32	Dip. ECG Tech (1 st Year)	Theory P-I	Theory P-II		
	Dip. ECG Tech (2 nd Year)			Theory	
33	Dip. OPHT Tech (1 st Year)	Theory P-I	Theory P-II		
	Dip. OPHT Tech (2 nd Year)			Theory	
34	Dip.PHY Tech (1 st Year)	Theory P-I	Theory P-II		
	Dip.PHY Tech (2 nd Year)			Theory	
35	Dip.ICU & A Tech(1 st Year)	Theory P-I	Theory P-II		
	Dip.ICU & A Tech(2 nd Year)			Theory	
36	Dil.CDT Tech (1 st Year)	Theory P-I	Theory P-II		
	Dil.CDT Tech (2 nd Year)			Theory	
37	DBB T&M	Theory P-I	Theory P-II		
		Theory P-I	Theory P-II		

JAVED IQBAL Gul Bela
 Daudzai Law Chamber
 Advocate High Court Peshawar
 MOBILE: 9945-9405501

(18) (19)

Annⁿ Dⁿ



KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

CIRCULAR

The competent authority has been pleased to order that all Wings of Khyber Pakhtunkhwa Public Service Commission i.e. Administration, Examination, Recruitment, Psychology and Litigation shall start their office routine work with complete staff w.e.f. 17.08.2020. All officers / officials shall observe SOPs, wear face masks and keep necessary social distance to prevent the spread of COVID-19.

2. Wearing of face mask is compulsory. Whoever is violating this instruction would be proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

3. Moreover, the following office timing as notified by Administration Department vide Notification No. E&A(AD)/04(01)/2020 dated 03.08.2020 shall be strictly observed:-

I.	Monday-to Thursday	09:00 am to 05:00 pm With 30 minutes break for prayer from 01:00 pm to 01:30 pm.
II.	Friday	09:00 am to 05:00 pm With one hour break for prayer from 12:30 pm to 01:30 pm.

—sd/—

Chairman PSC

No. KRK/PSC/Admn/0075/4

Dated: 12/8/2020

Copy to:-

1. PS to Chairman, Khyber Pakhtunkhwa PSC.
2. PS to Member-I, II, III, IV, V, VI, VII & VIII, Khyber Pakhtunkhwa PSC.
3. PS to Secretary, Khyber Pakhtunkhwa PSC.
4. All officers/officials, Khyber Pakhtunkhwa PSC.
5. Office Order file.

Assistant Director (Admn)

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-340551

Earned Leave Record in R/O Mr. Khalilullah Junior Clerk (BPS-11)

PERIOD OF DUTY				Leave earned on full pay 4 days for each calander month	Leave at credit	Period of Leave		Total leave	Balance
From	To	D.M.Y	Full Calander Months	Days	Days	From	To	Days	
03/05/2008	07/07/2013	05/03/1905	62	248	248	08/07/2013	07/08/2013	31	217
08/08/2013	17/08/2020	09/01/1907	84	336	553				553

Am E

20

~~20~~

20

JAVED IQBAL Qui Bela
 Daudzai Law Chamber
 Advocate High Court Peshawar
 Mob: 0345-9403501

[Handwritten Signature]



26 21

Ann F

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

CHARGE SHEET

1. Fareeha Paul, Secretary Khyber Pakhtunkhwa Public Service Commission, Competent Authority, hereby charge you, **Mr Khalilullah, Junior Clerk**, Khyber Pakhtunkhwa Public Service Commission as follows:-

2. That you, while working as Junior Clerk Khyber Pakhtunkhwa Public Service Commission committed the following irregularities:-

- a) You took admission in Medical Faculty, Karachi for Diploma of Laboratory without seeking permission / NOC from competent authority, which is violation of rules.
- b) You remained absent from official duty w.e.f. 18.08.2020 to 03.09.2020 without permission of competent authority.
- c) Guilty of misconduct.


3. By reasons of the above, you appear to be guilty of misconduct, inefficiency and habitually absenting from duty without prior approval as provided under Rule 3 (a) (b) (d) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Section-4 of the rules ibid.

3. You are, therefore, required to submit your written defence within seven (07) days of the receipt of this charge sheet to the Inquiry Committee.

4. Your written defence, if any, should reach the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5. You must also intimate whether you desire to be heard in person or otherwise

6. A statement of allegations is enclosed.


(FAREEHA PAUL)
SECRETARY PSC/
COMPETENT AUTHORITY

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0740-340000



KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

DISCIPLINARY ACTION

22
Ann. 9

1. I. Fareeha Paul, Secretary Khyber Pakhtunkhwa Public Service Commission as Competent Authority, am of the opinion that **Mr Khalilullah Junior Clerk** Khyber Pakhtunkhwa PSC, has rendered himself liable to be proceeded against as he committed the following acts of omissions/commission within the meaning of Section-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- a) He took admission in Medical Faculty, Karachi for Diploma of Laboratory without seeking permission / NOC from competent authority. which is violation of rules.
 - b) He remained absent from official duty w.e.f. 08.08.2020 to 03.09.2020 without permission of competent authority.
 - c) He is guilty of misconduct.
2. For the purpose of inquiry against the said accused with regard to the above allegations **Mr. Tanzeel ur Rehman Assistant Psychologist** is appointed as Inquiry Officer under the provisions of Rule 10 (1) (a) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.
 3. The Inquiry Officer shall, in accordance with the provisions of the rules ibid, provide reasonable opportunity of hearing to the accused, record his findings and make within thirty (30) days of the receipt of this order, recommendations as to the punishment or other appropriate action against the accused.
 4. The accused official as well as conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry Officer.

(FAREEHA PAUL)
SECRETARY PSC/
COMPETENT AUTHORITY

No.KP/PSC/Admn/PF-212/

008797

Dated: _____

A copy of above is forwarded to:-

1. Tanzeel-ur-Rehman Assi. Psychologist, Khyber Pakhtunkhwa Public Service Commission for initiating proceedings against the accused under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.
2. **Mr Khalilullah Junior Clerk**, Khyber Pakhtunkhwa Public Service Commission with the directions to appear before Inquiry Committee, on the date, time and place fixed by Inquiry Committee, for the purpose of inquiry proceedings.
3. **Mr. Kashif Adnan Assistant Admn Branch**, Khyber Pakhtunkhwa Public Service Commission with the direction to assist the inquiry committee during the inquiry proceedings and provide the relevant record.

JAVED IQBAL Gul Bela
Deudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-9405501

ASSISTANT DIRECTOR (ADMN)

To
The Inquiry Officer,
Mr. Tanzeel ur Rehman, A; Psychologist,
Khyber Pakhtunkhwa Public Service Commission Peshawar.

Subject: **REPLY TO CHARGE SHEET**

Dear Sir,

With due respect it is stated that the office has charge sheeted me by putting following allegations:

- d) You took admission in Medical Faculty, Karachi for Diploma of Laboratory without seeking permission / NOC from competent authority, which is violation of rules.
- e) You remained absent from official duty w.e.f 18.08.2020 to 03.09.2020 without permission of competent authority.
- f) Guilty of misconduct.

In response to above mentioned allegations my reply / justifications are as under:

- d) Back in 2003 I took certificate of Medical Technician from Pakistan Institute of Medical Technologies Peshawar (Annex-I). Later on it came into notice that the said institution has no more recognition with the Government. The institution offered the students to participate in exams from recognized institutions like Jinnah Medical College Peshawar for diploma purpose on their behalf but due to timely uniformed I could not avail the opportunity. In 2017, few of my friends enrolled themselves in Medical Faculty Karachi for Diploma on the basis of previous certificate and advised me to do so. Three years back, they took my certificate and enrolled me for the session 2017-18 (Annex-II). Being junior employee in the office, serving in the rank of Junior Clerk, I was unaware / uneducated about the process / rules for taking admissions anywhere.
- e) After that unfortunate admission I forgot that I had any admission. On 12th August 2020 when Covid-19 Pandemic statistics came down I was informed through telephonic call that Exam is going to be held w.e.f 20th August 2020. On the same date i.e 12th August 2020 (Wednesday) the office has also issued circular to open office w.e.f 17.08.2020 (Monday)(Annex-III). On first day of my duty early in the morning I submitted my application for 15 days exam leave addressed to the Hon'ble Secretary KPPSC routed through my working Branch so as to get permission of my branch head before submitting to the competent authority. The head of my Section i.e Hon'ble Director Examination when forwarded my application with no objection to Admn Section then I got sure that it will be allowed by kind-self of Hon'ble Secretary KPPSC too and keeping in view very short time for my exam I left for Karachi to take part their-in. If the Admn Brach called me well in time I would be back without participating in Exam but I got call from Hon'ble DD Admn on 01.09.2020 which was too late. After the said call, I immediately travelled back to office without participating in my Viva which was scheduled on 02.09.2020.
- f) I have not been guilty of misconduct ever. My service record is not so bad. I always obeyed orders of my seniors and performed my official duties with devotions and commitment.

In charge sheet it is also mentioned that I am inefficient and remains habitually absent from duty which is totally wrong. Being Junior Clerk, I always completed my assigned tasks well in time and gave 100% outcome. As far as my attendance is concerned, I availed leaves only when necessarily required and after approval of the competent authority. My biometric attendance as well as attendance register of my branches where I served can also be checked for my regular presence in the office.

The mistakes where occurred were totally un-intentional and only due to less knowledge / unawareness of rules.

Yours faithfully

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob. 0343-9405501
Dated: 14.09.2020

KhalilUllah, Junior Clerk KPPSC

FINDINGS

(24)

(24)

Ann² I²

4

From perusal of the written statements and answers of the accused and other documented evidences on record the Inquiry Officer found that on 17/08/2020, the accused gave an application for leave from 18/08/2020 to 03/09/2020 to the Competent Authority. The accused requested the leave for his examination of the Diploma of Laboratory Technician in Medical Faculty Karachi. Accused's application was recommended by the Head of his section i.e. Director Examination and was forwarded to administration PSC for approval on 17/08/2020 from the Competent Authority. Administration section PSC put up the file on 24/08/2020 to Assistant Director Administration and was forwarded to Director Examination for comments by the Deputy Director Administration on 25/08/2020. Director Examination wrote comments on the application file on 26/08/2020 and recommended leave for the accused and was forwarded to Secretary PSC.

The accused submitted his application on 17/08/2020 and left for Karachi on 18/08/2020, without the approval of his leave application from the Competent Authority. According to the statement of accused, he was informed by Deputy Director Administration on 01/09/2020, that his leave application has not been approved by the Competent Authority. The accused said that he returned to Peshawar without participating in the Viva which was scheduled on 02/09/2020. It was also found that the accused was having no permission / NOC for admission in Medical Faculty Karachi and also for attending the examination. According to the accused, he was unaware of the rules of taking NOC for admission or examination from the Competent Authority.

Guji Bela
Daudzai Law Office
Advocate High Court Peshawar
Mob: 0343-3455301





Ann "J"

25

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION No. 010690

SHOW CAUSE

Dated 16-10-2020

I, Fareeha Paul, Secretary Khyber Pakhtunkhwa Public Service Commission as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you Mr. Khalilullah Junior Clerk, as follows:-

1. (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer Mr. Tanzil-ur-Rehman Assistant Psychologist PSC for which you were given opportunity of hearing; and
- (ii) on going through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defence before the inquiry officer:-

I am satisfied that you have committed the following acts/omissions specified in Rule 3, Sub Rule (a) (b) & (d):

- (i) You took admission in Medical Faculty, Karachi for Diploma of Laboratory without seeking permission / NOC from competent authority, which is violation of rules.
- (ii) You remained absent from official duty w.e.f. 18.08.2020 to 03.09.2020 without permission of competent authority.
- (iii) Guilty of misconduct.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of "withholding promotion for three year" under Rule 4(1)(a)-ii of the said rules.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

5. The copy of the findings of the inquiry report is enclosed.

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0300-9405591

SECRETARY P.S.C.

Mr. Khalilullah Junior Clerk,
Khyber Pakhtunkhwa PSC.

The Secretary
KP Public Service Commission

Subject: **SHOW CAUSE**

Dear Madam!

With reference to show cause notice issued to me vide No.010690 Dated: 16.10.2020 (Annex-A) wherein a penalty of "withholding promotion for three years" has been tentatively decided to be imposed upon me due to not availing NOC prior to my admission in medical faculty and appearing in exam thereafter without sanction of leaves from competent authority, my humble defence in your justice is as under:

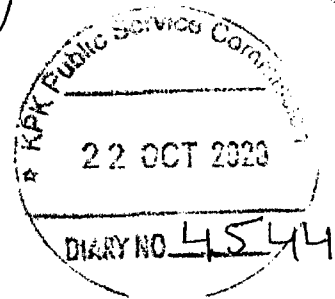
During inquiry in the subject matter I submitted my detailed reply to the honorable Inquiry officer copy of which is attached for ready reference (Annex-B). Briefly, it is to state here that my admission in Medical Faculty Karachi for Diploma was incident of three years back in 2017, as a private candidate. My admission was made by my friends as I did not know the process and other requirements for the purpose and most importantly I was heartedly not interested in the said diploma at that time. After the said unfortunate admission I never attended classes rather I attended office regularly. Attendance register of my office or reports from my immediate seniors regarding my regular attendance in office can be called and checked for your entire satisfaction. It is also to mention here that since my entry into Govt; service in 2008 as a Junior Clerk in this office, I neither heard from my colleagues nor became educated by any mean that for taking admission as a private candidate NOC is must to be taken, therefore it did not come into my conscience.

Respected Madam! As far as allegation of "absent from duty w.e.f 18.08.2020 to 03.09.2020" is concerned, as your Excellency is well aware from the fact that after the lockdown due to COVID-19 pandemic, office re-opened on 17.08.2020. Madical Faculty Karachi scheduled the Exam w.e.f 20.08.2020. As I came to know about the exam through a telephonic call I submitted my application for 15 days' earned leaves just after opening the office on 17.08.2020. On the same day my application was recommended by head of my branch i.e Honorable Director Examination and farwarded to your kindness for approval. There were only two days left to reach at Karachi and to appear in the Exam. When Honorable Director Examination recommended my application I got sure that my request has been accepted, I rushed out for my exam on 18th August 2020. Unfortunately, I was not timely informed of the position of my application by Admn Section and therefore, remained unaware about the situation here in office.

Respected Madam! That was my first ever guilt which occurred by ignorance. I am an obedient fellow of this institute. I had never been reported by my senior officers as habitual absenter or leave seeker. There was neither corruption nor inefficiency charges against me. Currently I am at top of seniority list of the Junior Clerks and ambitiously waiting for my promotion; with holding my promotion for three years is too big penalty for me than my sin.

Therefore, I am to request you humbly to please pardon me Mam! Give me a chance to improve my self and obli

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0342-3403301





27

Ann "L"

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

OFFICE ORDER

WHEREAS Mr. Khalilullah Junior Clerk (BPS-11), Khyber Pakhtunkhwa Public Service Commission (hereinafter referred to as Accused) was served with charge sheet under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the acts / omissions mentioned in statement of allegations;

AND WHEREAS, Mr. Tanzil ur Rehman Assistant Psychologist PSC was appointed as Inquiry Officer to probe into the charges;

AND WHEREAS, the Inquiry Officer submitted his report stating therein that accused took admission in Medical Faculty, Karachi for Diploma of Laboratory without seeking permission / NOC from competent authority, remained absent from official duty w.e.f 18.08.2020 to 03.09.2020 without permission of competent authority and guilty of misconduct, and he as such recommended for further action as deemed appropriate by the competent authority;

AND WHEREAS, the Competent Authority (Secretary PSC) while exercising powers conferred under Rule 14(4) of the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 served the accused with a Show Cause Notice bearing No. 010690 dated 16.10.2020, conveying therein award of tentative minor penalty of withholding promotion for three years as provided in Rule 4(1)(a)(ii) of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011;

AND WHEREAS, the accused submitted reply in writing to the Show Cause Notice on 22.10.2020 which was found unconvincing and whereas he did not request to be heard in person;

NOW THEREFORE the Secretary PSC being competent authority, in exercise of powers conferred upon her under Rule 14 (5)(ii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 is pleased to award minor penalty of "withholding promotion for three year" as provided in Rule 4(1)(a)(ii) of the rules ibid with immediate effect.

--sd/--

Secretary

Dated: 9/11/2020

No.KP/PSC/Admn/PF-212/ 01160

Copy to: -

1. The Accountant General, Khyber Pakhtunkhwa.
2. Director Examination, Khyber Pakhtunkhwa PSC.
3. PS to Chairman, Khyber Pakhtunkhwa PSC.
4. PS to Secretary, Khyber Pakhtunkhwa PSC.
5. The Deputy Director (Admn), Khyber Pakhtunkhwa PSC.
6. The Cashier, Khyber Pakhtunkhwa PSC.
7. Official concerned.
8. Personal file of official.
9. Office Order file.
10. Master file.

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 0345-940501

[Handwritten signature]

28

Annexure

1 M

IN THE HON'BLE PESHAWAR HIGH COURT
PESHAWAR



In W.P No- _____/2020

Khalil Ullah S/o Faiz Ullah Khan, Junior Clerk (BPS-11)
at Khyber Pakhtunkhwa Public Service Commission, Mall
Road, Tehsil & District Peshawar.

.....Petitioner

VERSUS

1. Khyber Pakhtunkhwa Public Service Commission through its Chairman at Khyber Pakhtunkhwa Public Service Commission, Mall Road, Peshawar.
2. Secretary Khyber Pakhtunkhwa Public Service Commission, at Mall Road, Peshawar.
3. Director Administration Khyber Pakhtunkhwa Public Service Commission at Mall Road, Peshawar.

.....Respondents

PETITION UNDER
ARTICLE 199 OF
CONSTITUTION OF
THE ISLAMIC
REPUBLIC OF
PAKISTAN 1973.

Respectfully Sheweth,

1. That the Petitioner is naturally born bonafide citizen of the Islamic Republic of Pakistan & hails from respectable family.

ATTESTED

EXAMINER
Peshawar High Court

(28) A

~~Amirul H. Khan~~ 7/11/20

PESHAWAR HIGH COURT PESHAWAR
FORM "A"



ORDER SHEET

Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
2	3
03.12.2020	<p><u>WP No. 5315-P/2020.</u></p> <p>Present:</p> <p>Mr. Javed Iqbal Gulbela, Advocate for petitioner.</p> <p>*****</p> <p><u>ROOH-UL-AMIN KHAN, J.-</u> The petitioner being employee of Public Service Commission as Junior Clerk, applied for fifteen days leave to appear in Annual examination of Medical Laboratory Technician which was going to be held in Karachi on 20.8.2020, but due to Covid-19 pandemic his application could not be processed by the office on time; after commencement of the examination, when the petitioner rejoined his duties, he was served with a show cause notice on account of absence and on conclusion of inquiry against the petitioner, he was awarded minor penalty of withholding his promotion for three years.</p> <p>2. Perusal of record would reveal that the petitioner was proceeded under the Khyber Pakhtunkhwa Government Servants (efficiency & discipline)Rules, 2011 and under</p>

For the Court

ATTESTED

EXAMINER
Peshawar High Court

rule 14(5) (ii) of the rule ibid was awarded minor penalty of 'withholding promotion for three years' as provided in Rule 4(1)(a)(ii) of the rules ibid. The same rules provide remedy of department appeal and review under rule 17 to the higher authority. Learned counsel for petitioner when confronted with the above legal proposition, he could not wriggle out of the situation, however requested that this writ petition be converted into an appeal and be transmitted to the respondent No.1 to be treated as departmental appeal and decided in accordance with law. Order accordingly. However it is expected that the authority shall decide the appeal as early as possible but not later-than a month.

Announced on;
3rd of December, 2020

[Signature]
JUDGE

[Signature]

JUDGE

[Signature]

CERTIFIED TO BE TRUE COPY

EXAMINER
 Peshawar High Court, Peshawar
 Authorised Under Article 8.7 of
 The Qanun-e-Shahadat Order 1984

02 JAN 2021

No. 21119
 Date of Presentation of Application 2/11/2021
 No of Pages 3-2
 Copying fee _____
 Total 12/-
 Date of Preparation of Copy 02/11/2021
 Date of Delivery of Copy 02/11/2021
 Received By *[Signature]*



30

**KHYBER PAKHTUNKWA
PUBLIC SERVICE COMMISSION**

Annexure 'N'

2-Fort Road Peshawar Cantt.

Tele No: 091-9214131

No.KP/PSC/Admn/LF-1174/

014937

Date: 31-12-2020

To

Mr. Khalilullah Junior Clerk,
Examination Branch PSC.

Subject: WRIT PETITION (CONVERTED INTO DEPARTMENTAL APPEAL) FILED BY
MR. KHALILULLAH JUNIOR CLERK AGAINST THE ORDER OF SECRETARY PSC
DATED 09.11.2020

I am directed to refer to your appeal dated 20.11.2020 and Writ Petition No.5315-P/20 (converted into Departmental appeal) on the subject noted above and inform that the Chairman Khyber Pakhtunkhwa Public Service Commission being Appellate Authority in exercise of powers conferred upon him under Rule 17 2(c) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 has been pleased to convert minor penalty of "withholding promotion for three years" into "withholding promotion for one year".

Assistant Director (Admn)

1. PS to Chairman, Khyber Pakhtunkhwa PSC.
2. PS to Secretary, Khyber Pakhtunkhwa PSC.
3. PA to Senior Law Officer, Khyber Pakhtunkhwa PSC.

Assistant Director (Admn)

JAVED IQBAL Gul Bela
Daudzai Law Chamber
Advocate High Court Peshawar
Mob: 8345-9405501

FINAL COMBINED SENIORITY LIST OF JUNIOR CLERK / TYPIST (BPS-11)
KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION, PESHAWAR (AS STOOD ON 31.12.2020)

S#	Name of Official	Academic Qualification	D.O.B & Domicile	Date of Retirement	Date of 1 st Entry Into Govt: Service	Date of Regular Appoint: /Promo: to Present Post	Present Posting
1	2	3	4	5	6	7	8
1.	Mr. Fazal Amin	FA	09.09.1986 Charsadda	08.09.2046	12.05.2008	12.05.2008	Rectt: Wing
2.	Mr. Khalil Ullah	BA	01.03.1982 Peshawar	28.02.2042	03.05.2008	03.05.2008	Exam: Wing
3.	Mr. Hidayat Khan	FA	24.04.1976 Peshawar	23.04.2036	03.05.2008	03.05.2008	Exam: Wing
4.	Mr. Muhammad Naveed Khan	FA	05.04.1985 Peshawar	04.04.2045	03.05.2008	03.05.2008	Rectt: Wing
5.	Mr. Suleman Khan	BA	04.04.1988 Charsadda	03.04.2048	14.05.2008	14.05.2008	Rectt: Wing
6.	Mr. Rab Nawaz Khan	Matric	13.03.1984 Peshawar	12.03.2044	03.05.2008	03.05.2008	Rectt: Wing
7.	Mr. Farman Nabi	Matric	14.05.1972 Peshawar	13.05.2032	24.08.1993	17.05.2008	Rectt: Wing
8.	Mr. Fayaz Ali	Matric	20.05.1973 Charsadda	19.05.2033	24.08.1993	17.05.2008	Exam: Wing
9.	Mr. Wasiullah Typist	BA	10.03.1984 Peshawar	09.03.2044	27.07.2009	27.07.2009	Exam: Wing
10.	Muhammad Hameed	BA	02.03.1981 Kohat	01.03.2041	17-08-2010	17.08.2010	Account Branch

Annexure
4
10

(5)

(5)

JAVED IQBAL Gil Bela
 Daudzai Law Chamber
 Peshawar High Court Peshawar

**FINAL COMBINED SENIORITY LIST OF JUNIOR CLERK / TYPIST (BPS-11)
KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION, PESHAWAR (AS STOOD ON 31.12.2020)**

S#	Name of Official	Academic Qualification	D.O.B & Domicile	Date of Retirement	Date of 1 st Entry Into Govt: Service	Date of Regular Appoint: /Promo: to Present Post	Present Posting
11.	Mr. Niaz Muhammad	BA	10.03.1990 Charsadda	09.03.2050	18-08-2010	18.08.2010	Exam: Wing
12.	Mr. Farman Ali	MA	08.04.1973 Swat	07.04.2033	20.12.1992	13.07.2011	Admn: Wing
13.	Mr. Shah Nawaz	FA	01.04.1984 Abbottabad	31.03.2044	30.07.2011	30.07.2011	Admn: Wing
14.	Mr. Bakhtawar Shah	Matric	04.08.1974 Charsadda	03.08.2034	23.08.1993	23.09.2011	Rectt: Wing
15.	Mr. Roshan Ali	B.A	10.02.1987 Dir Lower	09.02.2047	22.02.2012	22.02.2012	Rectt: Wing
16.	Mr. Raz Muhammad	B.A	15.03.1988 Khyber Agy	04.03.2048	19.02.2012	19.02.2012	Chairman Office
17.	Mr. Umar Farooq	B.A	06.04.1991 Peshawar	05.04.2051	02.07.2013	02.07.2013	Exam: Wing
18.	Mr. Tahirullah	Matric	25.10.1971 Charsadda	24.10.2031	18.01.1994	08.05.2015	Dispatch
19.	Mr. Roidad Khan	Matric	25.10.1972 Peshawar	24.10.2032	24.07.1994	08.05.2015	Diary
20.	Mr. Fayaz Gul	B.A	10.04.1979 Charsadda	09.04.2039	20.01.2012	15.09.2015	Rectt: Wing

JAVED IQBAL, Gulistan
 Deputy City Chamberlain
 Advocate High Court Peshawar
 Mob: 0345-940554

22

22

**FINAL COMBINED SENIORITY LIST OF JUNIOR CLERK / TYPIST (BPS-11)
KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION, PESHAWAR (AS STOOD ON 31.12.2020)**

S#	Name of Official	Academic Qualification	D.O.B & Domicile	Date of Retirement	Date of 1 st Entry Into Govt: Service	Date of Regular Appoint: /Promo: to Present Post	Present Posting
21.	Mr. Jalal-ud-Din	M.Sc	01.10.1995 Peshawar	30.09.2055	01.07.2016	01.07.2016	Exam: Wing
22.	Mr. Muhammad Ilyas	MA	07.03.1993 Peshawar	06.03.2053	01.07.2016	01.07.2016	Litigation Section
23.	Miss Salma		07.04.1996 Peshawar	06.04.2056	01.07.2016	01.07.2016	Rectt: Wing
24.	Mr. Bilal Ajmal	BS	15.04.1993 Lakki Marwat	14.04.2053	09.08.2017	09.08.2017	Exam: Wing
25.	Mr. Shaukat Khan	FA	10.01.1969 Peshawar	09.01.2029	13.12.1994		Member Office
26.	Mr. Muhammad Hamayun	D.Com	11.04.1973 Peshawar	10.04.2033	14.11.1996	06.08.2020	Rectt: Wing
27.	Mr. Ehsan Zaheer	BS	01.01.1996 Abbottabad	01.01.2056	28.09.2020	28.09.2020	Accounts Section
28.	Mr. Mian Tariq Aziz	BA	08.05.1988 Nowshera	08.05.2048	01.10.2020	01.10.2020	Admn Branch
29.	Mr. Muhammad Imran	LLB	02.03.1987 Khyber Agy	02.03.2048	23.10.2020	23.10.2020	Rectt: Wing
30.	Vacant						Pending
31.	Vacant						Promotion Quota

JAVED IQBAL Gul Bela
 Daudzai Vax Chamber
 Advocate High Court Peshawar
 Mob: 0345-9405501

IN THE HONORABLE PESHAWAR HIGH COURT
PESHAWAR

In W.P No- _____/2021

Khalil Ullah

VERSUS

Chairman KPPSC & Others

NOTICE

To,


1. Khyber Pakhtunkhwa Public Service Commission through its Chairman at Khyber Pakhtunkhwa Public Service Commission, Mall Road, Peshawar.
2. Secretary Khyber Pakhtunkhwa Public Service Commission, at Mall Road, Peshawar.
3. Director Administration Khyber Pakhtunkhwa Public Service Commission at Mall Road, Peshawar.

SUBJECT:- NOTICE FOR FILING WRIT PETITION

Please take notice that I am filing Writ Petition before the Hon'ble Peshawar High Court Peshawar.

Dated: 02/01/2021

Petitioner
Through


JAVED IQBAL GULBELA
Advocate, High Court,
Peshawar

IN THE PESHAWAR HIGH COURT, PESHAWAR.

OBJECTION SLIP

No: 5685

Khalil Ullah V/S KP Public Service Commission & Others

Pages 18, 20, 21, 22, 23, 38, 40, 53, 54, 55, 81, 82, 83, 84, 92, 95, 102

10 Copies of annexures are not legible.



READER

Returned with above mentioned objections for removal to be re-submitted on or before _____


10 February 2021


Deputy Registrar/ Incharge
Peshawar High Court, Peshawa

Respected Sir,

Comments for resubmission after
removal of objection.

MEHTABGULL
LAW OFFICER PSC


28/4/21

BEFORE THE PESHAWAR HIGH COURT PESHAWAR

Writ Petition No. 128-P/2021

Khalil Ullah..... Petitioner

VERSUS

Khyber Pakhtunkhwa Public

Service Commission & others Respondents

S.NO.	PARTICULARS	ANNEXURE	PAGE NO
1.	Para-wise Comments		1-4
2.	Affidavit		5
3.	Copy of Writ Petition No. 5315-P/2020	"A"	6-15
4.	Copy of Judgment dated 13.12.2020 in Writ Petition No. 5315-P/2020	"B"	16-17
5.	Copy of Leave Application	"C"	18-19
6.	Copy of Charge Sheet	"D"	20
7.	Copy of Inquiry Proceedings	"E"	21-119
8.	Copy of Officer order dated 09.11.2020	"F"	120
9.	Copy of letter dated 03.12.2020	"G"	121
10.	Authority Letter		122

W.P. Copy Received
for 10-2-2021

Senior Law Officer
Khyber Pakhtunkhwa
Public Service Commission
Peshawar

UMS88921996

10-2-2021

RE-FILED TODAY

Deputy Registrar

28 APR 2021

SCANNED
29/04/21
29 APR 2021
Signature

FILED TODAY

Deputy Registrar

10 FEB 2021

BEFORE THE PESHAWAR HIGHT COURT PESHAWAR

Writ Petition No. 128-P/2021

Khalil Ullah..... Petitioner

VERSUS

Khyber Pakhtunkhwa Public

Service Commission & others Respondents

PARA WISE COMMENTS ON BEHALF OF (RESPONDENT NO.01)

Respectfully Sheweth:

PRELIMINARY OBJECTIONS

1. The petitioner is a chronic litigant and the instant petition is the second round of litigation of the petitioner against the replying Khyber Pakhtunkhwa Public Service Commission.
2. That prior to the instant writ petition another writ petition No. 5315-P/2020 with the same title (Annex-A) was filed, which was disposed of vide order dated 3.12.2020 (Anex-B), and the same has been complied in letter and spirit and his minor punishment of awarding with the penalty of withholding his promotion for three (03) years was examined in departmental appeal, and converted the same to withholding of his promotion for one (01) year, being the most lenient punishment in this case.
3. That the petitioner has got no locus standi or cause of action against the replying respondents.
4. That the petitioner has not approached this Honorable Tribunal with clean hands.
5. That the petitioner is estopped by his own conduct to file the instant petition.
6. That no discrimination / injustice have been done to the petitioner.
7. That the petition is not based on facts, is unjustified and based on illegal demand against the lawful authority of the Commission.

ON FACTS

1. Pertains to personal information of the petitioner hence no comments.
- 2-3. Needs no comments.
4. That the petitioner had applied for the course of Medical Laboratory Technician without taking No Objection Certificate (NOC), required per law. Moreover, the

FILED TODAY
Deputy Registrar
10 FEB 2021

leave application of the petitioner (**Annex-C**) was regretted by the competent authority (Secretary, Public Service Commission) as the same was intended for the above mentioned course examination which the petitioner had applied for without taking departmental permission. It is worth mentioning that the petitioner forwarded his application on 17th September, just three days before his exams, which was received in the Administration wing on the same day during late hours. By the time the case was processed, the official had left for Karachi. Even the application did not mention the NOC(No Objection Certificate)for appearing in the exam, rather it was for earned leave.

5. That from the very inception of the month of June 2020 during COVID 19 pandemic, the office of Public Service Commission became operational for all the staff on rotational basis. Even before that, during the entire lockdown period, the Admin wing. Litigation Wing and Computer/ IT wing were fully operational. Moreover in this case the operation or non-operation of the office of Public Service Commission is not in question rather his applying for a specific course / further education without taking approval of the competent authority is the issue, which clearly amounts to misconduct in his official capacity.
6. That again the earned leave of the petitioner as pressed in this para is not in question rather obtaining of departmental permission for further education was in question.
7. That the petitioner was rightly issued the Charge Sheet (**Annex-D**) as the mentioned acts of the petitioner, clearly amounts to his misconduct and delinquency on his part. Inquiry (**Annex-E**).
8. That as evident from the annexed inquiry, Khyber Pakhtunkhwa Public Service Commission has observed all codal formalities regarding the inquiry of the petitioner. Furthermore no request of personal hearing was made by the petitioner during the course of inquiry.
9. That the petitioner was awarded minor penalty as a result of his misconduct and delinquency to withhold his promotion for three (03) years. Office order (**Annex-F**).

FILED TODAY

Deputy Registrar

10 FFR 2021

10. That order dated 3.12.2020 in Writ Petition No. 5315-P/2020 has been complied in letter and spirit and appeal of the petitioner has been considered by the competent authority with utmost leniency.
11. That after examination of the petitioner's appeal the competent authority showed a lenient view in case of the petitioner as his penalty of withholding his promotion for three years was converted into one year, being the most lenient punishment in his case. Letter annexed (Annex-G).
12. The petitioner being not genuinely aggrieved person has got no grounds to invoke the Constitutional Jurisdiction of this Honorable Court.

GROUND:

- A. Incorrect. After adopting the legal procedure by Khyber Pakhtunkhwa Public Service Commission in the inquiry of the petitioner and awarding him the most lenient punishment, the instant petition is not tenable in the eyes of law.
- B. Needs no comments. However, the legal principle, "ignorance of law is no excuse" can be best validated in case of the petitioner.
- C. Incorrect. The Khyber Pakhtunkhwa Public Service Commission has finalized the whole process keeping in view the principles of equity and law therefore, the final outcome is best in line with the rules and law.
- D. Correct. However, the petitioner has to suffer, as a result of his own conduct.
- E. Incorrect. It is noteworthy that in case of the petitioner the earned leaves are not in question. Moreover, as replied in para 4 of the facts.
- F. Incorrect. As replied in para 5 of the facts.
- G. Incorrect. The reply to Show Cause Notice was submitted by the petitioner however, no request for personal hearing was made by him in this regard, therefore, awarding him three years minor penalty of withholding his promotion and afterwards converting it to one year does not show any illegality or malafide on part of the Khyber Pakhtunkhwa Public Service Commission.

FILED TODAY

Deputy Registrar

10 FEB 2021

- H. Incorrect. No such like provision is available as per Efficiency and Discipline Rules, 1973.
- I. Incorrect. The competent authority has taken cognizance, after clear violation of law and rules by the petitioner.
- J. Incorrect. The Khyber Pakhtunkhwa Public Service Commission has rightly exercised its jurisdiction, vested in it, as per law and rules. Rather the petitioner wants the law to be molded and interpreted in his favor, which is not appealing to a prudent mind.
- K. Incorrect. No illegality can be attributed to the lawful authority of Khyber Pakhtunkhwa Public Service Commission in case of the petitioner.
- L. Incorrect. The petitioner not being genuinely aggrieved person, may not be allowed to raise further grounds before this Honorable Court.

It is therefore humbly prayed that on acceptance of this reply/submissions made herein above the instant petition may kindly be dismissed.

For
CHAIRMAN
KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
PESHAWAR
(RESPONDENT NO.01)

shah

FILED TODAY
Deputy Registrar
10 FEB 2021

5

BEFORE THE PESHAWAR HIGH COURT, PESHAWAR

Writ Petition No. 128-P/2021

Khalil Ullah..... **Petitioner**

VERSUS

Khyber Pakhtunkhwa Public Service Commission & others..... **Respondents**


AFFIDAVIT

I, Mehtab Gul, Law Officer (Khyber Pakhtunkhwa Public Service Commission Peshawar), do hereby solemnly affirm and declare that the contents of the accompanying Para-wise comments submitted on behalf of Respondent No. 01 are correct and true to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.





DEPONENT
CNIC: 17301-1972107-9
Mobile: 0332-9920894

Identified by:



Advocate General, KPK,
Peshawar. 09/02/21

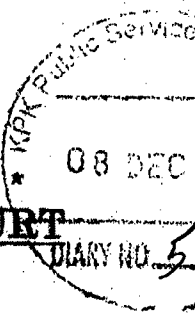
19588
Certified that the above was verified on solemnly
affirmation before me on the _____ day of _____
day of Feb 21 2021 at Mehtab Gul
s/o L.O. Peshawar
who was identified by A.G.
Who is personally known to me:

09/02/2021

FILED TODAY

Deputy Registrar
10 FEB 2021

6

(+)

Ann "A"



**IN THE HON'BLE PESHAWAR HIGH COURT
PESHAWAR**

In W.P No- 1311 /2020

Khalil Ullah S/o Faiz Ullah Khan, Junior Clerk (BPS-11) at Khyber Pakhtunkhwa Public Service Commission, Mall Road, Tehsil & District Peshawar.



.....Petitioner

VERSUS

1. Khyber Pakhtunkhwa Public Service Commission through its Chairman at Khyber Pakhtunkhwa Public Service Commission, Mall Road, Peshawar.
2. Secretary Khyber Pakhtunkhwa Public Service Commission, at Mall Road, Peshawar.
3. Director Administration Khyber Pakhtunkhwa Public Service Commission at Mall Road, Peshawar.

.....Respondents

*Attended
to 4/11/2020*

**PETITION UNDER
ARTICLE 199 OF
CONSTITUTION OF
THE ISLAMIC
REPUBLIC OF
PAKISTAN 1973.**

ATTESTED
EXAMINER
Peshawar High Court

Respectfully Sheweth,

1. That the Petitioner is naturally born bonafide citizen of the Islamic Republic of Pakistan & hails from respectable family.

D.R. / DYA Put up DR c.l.o



7

2. That after going through the mandatorily required criteria & after being envisaged with the ordeals & inquisitions of Selection Process, the petitioner got appointed and was inducted onto the rolls of this prestigious department as Junior Clerk (BPS-11) back in the year 2008 vide Office Notification No: PSC-ADMN-1/2008/18927-30 dated 30/04/2008. (Copy of Office Notification dated 30/04/2008 is annexed as Annexure "A")
3. That during the course of his employment, the petitioner always remained a dutiful & pragmatic fellow, who never left any stone unturned in performance of his duties, hence was appraised on certain junctures by the high ups for his work ethic & behavior.
4. That it was in this back drop of August 2020, the petitioner applied for 15 days earned leaves to the Secretary Khyber Pakhtunkhwa Public Service Commission through proper channel, vide an application dated 17/09/2020 for the reason that the petitioner was going to appear in Annual examination of Medical Laboratory Technician which was going to take place in Karachi on 20-08-2020. Moreover, one Umar Farooq, Junior Clerk acknowledged to perform the duties in absence of the petitioner during his leave period. Moreover the application was duly acknowledged by Assistant Director Admin & Deputy Director Admin & have accordingly written their comments upon the application that the petitioner may be allowed earned leaves on the very same day. (Copies of Application

ATTESTED
EXAMINER
Peshawar High Court

& Roll No Slip is annexed herewith as Annexure "B & C" respectively).

5. That it would be of equal importance to mention here that all the offices of the Khyber Pakhtunkhwa Public Service Commission were non-operational due to Covid-19 pandemic and the same were made operational w.e.f 17-08-2020 vide Office Circular No: KPA/PSC/Admn/007544 dated,12-08-2020 of the Office of Chairman Khyber Pakhtunkhwa Public Service Commission. Now by virtue of what has been discussed above, due to closure of concerned offices, so the application of the petitioner could not be processed in time, inspite of being moved in time, but presented to Secretary KPPSC on 26/08/2020 instead of from 17/08/2020 to 19/08/2020 as the examination was scheduled for 20/08/2020 and the petitioner had to appear in the same. (Copy of Notification dated 12-08-2020 is annexed as Annexure "D")

6. That the petitioner is already having a total balance of 553 days earned leaves in his account, which further clarifies his punctuality & his approach towards his professional career. (Copy of earned leaves record is annexed as annexure "E").

7. That after the commencement of exam, when the petitioner again joined his duties at the Respondent Department, the petitioner was hit by a great grief when suddenly out of the blue, he was served with a charge sheet along with the statement of

ATTESTED
EXAMINER
Peshawar High Court

17-8/20

allegations vide Office Order No: KP/PSC/Admn/PF-212/008797 dated NIL, whereby an inquiry officer was nominated to initiate proceedings against the petitioner. After receiving the charge sheet along with the statement of allegation, the petitioner replied the same vide Diary No: 3057 dated 14-09-2020. (Copies of Charge Sheet, Statement of Allegation, and Reply are annexed as Annexure "F, G & H" respectively).

8. That no proper inquiry was conducted nor the petitioner was ever extended any opportunity of personal hearing and even then the minor penalty of withholding promotion for three years was imposed upon the petitioner. (Copies of Illegal Findings, Show-Cause Notice & Reply are annexed as Annexure "I, J & K" respectively).
9. That the Competent Authority while exercising its powers, imposed a penalty of withholding promotion for three years vide Office Order No: KP/PSC/Admn/PF-212/01169 dated 09-11-2020 of the office of Secretary KPPSC. (Copy of Impugned Office Order dated 09-11-2020 is annexed herewith as Annexure "L")
10. That from the Supra-mentioned episode the grievances that comes into existence, having no other efficacious remedy available elsewhere & forum to addressed at the Petitioner, approaches this August Court for recognition, enforcement and acknowledgement of his due and fundamental rights, inter alia on the following grounds:-

5

10

A. That there exist no other expedient-cum-expeditious and adequate remedy available elsewhere, hence the instant petition under the extra-ordinary jurisdiction of this August Court.

B. That the petitioner is naturally born bonafide citizen of the Islamic Republic of Pakistan and is fully and equally, on equality basis, entitled to all basic and fundamental rights as enshrined in the fundamental law of the land, interpreted, guaranteed and enforced by the laws and law Courts of the land.

C. That the impugned office order dated 09/11/2020 is illegal, illogical, unlawful, unwarranted, void ab-initio and against the rights of the petitioner, hence the same is liable to be set aside.

ATTESTED

EXAMINER
Peshawar High Court

D. That this fact would be of great importance to mention here that the petitioner is on top of the merit list for his due promotion, and the Respondent Department is going to conduct a "DPC" meeting in the upcoming weeks, for promotion to the post of Senior Clerks, but in order to oust the petitioner from his due promotion process, was malafidely been envisaged with the instant unwarranted episode of penalization, which under the law is not allowed. (Copy of Seniority List for the year 2020 is annexed as Annexure "M")

E. That where the petitioner already possess a balance of 553 days earned leaves in his account, then declining the application of the petitioner for earned leaves by the worthy Secretary is illogical, unlawful, unwarranted.

ATTESTED

EXAMINER
Peshawar High Court

F. That where all the offices concerned were non-operational due to Covid-19 pandemic, which were later on made operational, but even then, the petitioner moved the application in question for earned leaves well in time, which was duly recommended and was allowed by Assistant Director and Deputy Director Admin on the very same day, which was further put up for perusal to the worthy Secretary KPPSC on 26/08/2020. Now by virtue of what has been discussed above, earned leaves would have served no useful purpose if the same was allowed after the date of the examination i.e. 20/08/2020 and hence the petitioner would have suffered irreparable and incomparable loss.

G. That no opportunity of personal hearing was extended to the petitioner, nor was ever heard in person, even then, minor penalty of withholding of promotion for

TESTED
EXAMINER
Peshawar High Court

a period of three (3) years was imposed upon the petitioner, which by the books of law is not only illegal and unwarranted but the same is also malicious to the core.

H. That the petitioner was not even extended the opportunity to cross-examine any witness, even no final show-cause notice was ever issued to the petitioner, which in the eyes of law is not tenable at all.

I. That such reckless demeanor on part of the Respondent Department is an unreasonable departure from the principles of policy, contain within the Constitution requiring them to secure wellbeing of the petitioner by ensuring equal adjustment of rights between the employer respondents and employee petitioner.

ATTESTED

EXAMINER
Peshawar High Court

J. That it is a cherished principle of law that where a law requires a thing to be done, the same has to be done in a particular manner and not otherwise.

K. That from every angle, the impugned office order is illegal and unlawful and the same is liable to be set aside.

L. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of the instant petition, the impugned office order No: KPPSC/PSC/ADMN/PF-212/01169 dated: 09/11/ 2020 of the office of the Secretary KPPSC be set aside, and the penalties imposition order be declared as illegal and void.

It is further prayed that the petitioner be considered for his due promotion in the upcoming "DPC" meeting.

ATTESTED

EXAMINER
Peshawar High Court

Any other ground not specifically asked for, may graciously be extended in circumstances of the case.

Interim Relief:

By way of interim relief, the Respondents be restrained from carrying out any promotions to the post of Senior Clerks, till the final disposal of the instant case.

Dated :19/11/2020

Petitioner

Through

Javed Iqbal Gulbela

Saghir Iqbal Gulbela
&

Ahsan Sardar

Advocates, High Court,
Peshawar

Certificate:-

No such like writ petition for the same petitioners upon the same subject matter has earlier been filed by me & the case pertains to Hon'ble Double Bench of this Hon'ble Court.

ADVOCATE

Books:-

Constitutional of Islamic Republic of Pakistan 1973
Case law according to need.

ADVOCATE

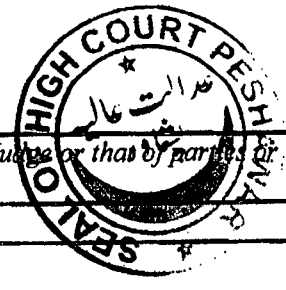
CERTIFIED TO BE TRUE COPY

EXAMINER
Peshawar High Court, Peshawar
Authorised Under Article 8
The Qanun-e-Shahadat Order

07 DEC 2020

PESHAWAR HIGH COURT PESHAWAR
FORM "A"

ORDER SHEET



Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary
2	3
03.12.2020	<p><u>WP No. 5315-P/2020.</u></p> <p>Present:</p> <p>Mr. Javed Iqbal Gulbela, Advocate for petitioner.</p> <p>*****</p> <p><u>ROOH-UL-AMIN KHAN, J.-</u> The petitioner being employee of Public Service Commission as Junior Clerk, applied for fifteen days leave to appear in Annual examination of Medical Laboratory Technician which was going to be held in Karachi on 20.8.2020, but due to Covid-19 pandemic his application could not be processed by the office on time; after commencement of the examination, when the petitioner rejoined his duties, he was served with a show cause notice on account of absence and on conclusion of inquiry against the petitioner, he was awarded minor penalty of withholding his promotion for three years.</p> <p>2. Perusal of record would reveal that the petitioner was proceeded under the Khyber Pakhtunkhwa Government Servants (efficiency & discipline)Rules, 2011 and under</p>

*Attested
Javed Iqbal Gulbela*

Javed Iqbal Gulbela

ATTESTED
EXAMINER
Peshawar High Court

rule 14(5) (ii) of the rule ibid was awarded minor penalty of 'withholding promotion for three years' as provided in Rule 4(1)(a)(ii) of the rules ibid. The same rules provide remedy of department appeal and review under rule 17 to the higher authority. Learned counsel for petitioner when confronted with the above legal proposition, he could not wriggle out of the situation, however requested that this writ petition be converted into an appeal and be transmitted to the respondent No.1 to be treated as departmental appeal and decided in accordance with law. Order accordingly. However it is expected that the authority shall decide the appeal as early as possible but not later than a month.

Announced on;
3rd of December, 2020

[Handwritten signature]

[Handwritten signature]
 JUSTICE

JUDGE

No. 17677
 Date of Presentation of Application 07/12/2020
 No of Pages 12
 Copying fee Nil
 Total Nil
 Date of Preparation of Copy 07/12/2020
 Date of Delivery of Copy 07/12/2020
 Received By [Signature]

CERTIFIED TO BE TRUE COPY
 EXAMINER
 Peshawar High Court, Peshawar
 Authorized Under Article 175
 of the Constitution of Pakistan
07 DEC 2020

[Stamp]

(DB) Hon'ble Mr. Justice Rooh Ul Amin Khan & Hon'ble Mr. Justice Ijaz Anwar

The Secretary,
KPK Public Service Commission,
Peshawar.

Subject: APPLICATION FOR FIFTEEN DAYS EARNED LEAVE:

R/Madam,

With humble submission it is stated that my papers for the Diploma of Laboratory Technician are to be held w.e.f. 20-08-2020 in Medical Faculty Karachi. Therefore, I am requested for fifteen (15) days earned leave from 18-08-2020 to 03-09-2020. (Date sheet and Roll number slip attached).

I shall be very thankful to you for this favors.

*Attached
by
20/8/20*

Dated: 17-08-2020.

Yours Sincerely,

Yuo
17/8/20
(KHALIL ULLAH)
J/C Exams(c)

2 I will be perform duty in absence of Mr. Khalit ullah J/C during his leave period.

3 Asst He may be allowed plz.

Uf
17/8/2020
Umar Farooq J/C

Sec II:

Uf
17/08/2020

c/f/c

Ull
17/08/2020
17/8/2020

by Mr. Khalit ullah,

4 leave applied for may be allowed as Mr. Umar Farooq will look after his seat in his absence plz.
Ann Put up on file *Uf* *DDA* *17/8/2020* *17-8/20*

19

To,

The Secretary,
KPK Public Service Commission,
Peshawar.

Subject: **APPLICATION FOR FIFTEEN DAYS EARNED LEAVE:**

R/Madam,

With humble submission it is stated that my papers for the Diploma of Laboratory Technician are to be held w.e.f. 20-08-2020 in Medical Facility Karachi. Therefore, I am requested for fifteen (15) days earned leave from 18-08-2020 to 03-09-2020. (Date sheet and Roll number slip attached).

I shall be very thankful to you for this favors.

Yours Sincerely,

Sd/-
(KHALIL ULLAH)
J/C Exams(c)

Dated: 17-08-2020

2. I will be perform duty in absence of Mr. Khalil Ullah J/C during his leave period.

Sd/-
Umar Farooq J/C

3 Asst. He may be allowed plz.

Sd/-
17/08/2020
Assistant

SEC II:

Sd/-
17/08/2020
Superintendent

C E / C

Sd/-
17/08/2020
Controller Exam Conduct

4 Dy Director Exam:-
Leave application may be allowed as Mr. Umar Farooq will look after his seat in his absence pls.

Sd/-
17/08/2020
Deputy Director Exam

DE

Sd/-
17/08/2020
Director Exam

DDA Put up on file

Sd/-
Deputy Director Admn

ADA



Ann "D"
20

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

CHARGE SHEET

I, Fareeha Paul, Secretary Khyber Pakhtunkhwa Public Service Commission, Competent Authority, hereby charge you, **Mr Khalilullah, Junior Clerk**, Khyber Pakhtunkhwa Public Service Commission as follows:-

2. That you, while working as Junior Clerk Khyber Pakhtunkhwa Public Service Commission committed the following irregularities:-

- a) You took admission in Medical Faculty, Karachi for Diploma of Laboratory without seeking permission / NOC from competent authority, which is violation of rules.
- b) You remained absent from official duty w.e.f. 18.08.2020 to 03.09.2020 without permission of competent authority.
- c) Guilty of misconduct.


3. By reasons of the above, you appear to be guilty of misconduct, inefficiency and habitually absenting from duty without prior approval as provided under Rule 3 (a) (b) (d) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Section-4 of the rules ibid.

3. You are, therefore, required to submit your written defence within seven (07) days of the receipt of this charge sheet to the Inquiry Committee.

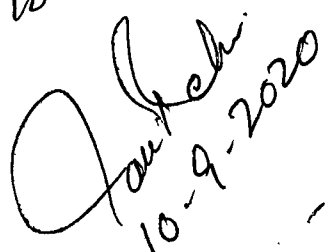
4. Your written defence, if any, should reach the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

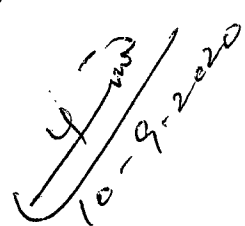
5. You must also intimate whether you desire to be heard in person or otherwise.

6. A statement of allegations is enclosed.


(FAREEHA PAUL)
SECRETARY PSC/
COMPETENT AUTHORITY

Allegations
10-9-2020


10-9-2020


10-9-2020

To,

The Secretary,
KPK Public Service Commission,
Peshawar.

Ann "E"

(21)

Subject: APPLICATION FOR FIFTEEN DAYS EARNED LEAVE:

R/Madam,

With humble submission it is stated that my papers for the Diploma of Laboratory Technician are to be held w.e.f. 20-08-2020 in Medical Faculty Karachi. Therefore, I am requested for fifteen (15) days earned leave from 18-08-2020 to 03-09-2020. (Date sheet and Roll number slip attached).

I shall be very thankful to you for this favors.

Yours Sincerely,

(KHALIL ULLAH)
J/C Exams(c)

Dated: 17-08-2020.

2 I will be perform duty in absence of Mr. Khalit ullah J/c during his leave period.

3 Asst He may be allowed plz.

Umar Farooq J/c
17/8/2020

secy:

17/08/2020

c/c

17/08/2020
17/08/2020

by Mr. Khalit ullah,

leave applied for may be allowed as Mr. Umar Farooq will look after his seat in his absence plz.
no Put up on file

4

17-8-2020
17-8-2020

To,

The Secretary,
KPK Public Service Commission,
Peshawar.

(22)

Subject: **APPLICATION FOR FIFTEEN DAYS EARNED LEAVE:**

R/Madam,

With humble submission it is stated that my papers for the Diploma of Laboratory Technician are to be held w.e.f. 20-08-2020 in Medical Facility Karachi. Therefore, I am requested for fifteen (15) days earned leave from 18-08-2020 to 03-09-2020. (Date sheet and Roll number slip attached).

I shall be very thankful to you for this favors.

Yours Sincerely,

Sd/-
(KHALIL ULLAH)
J/C Exams(c)

Dated: 17-08-2020

2. I will be perform duty in absence of Mr. Khalil Ullah J/C during his leave period.

Sd/-
Umar Farooq J/C

3 Asst. He may be allowed plz.

Sd/-
17/08/2020
Assistant

SEC II:

Sd/-
17/08/2020
Superintendent

C E/ C

Sd/-
17/08/2020
Controller Exam Conduct

4 Dy Director Exam:-
Leave application may be allowed as Mr. Umar Farooq will look after his seat in his absence pls.

Sd/-
17/08/2020
Deputy Director Exam

DE

Sd/-
17/08/2020
Director Exam

DDA Put up on file

Sd/-
Deputy Director Admn

ADA

Sindh Medical Faculty

REGULAR
(Green)



DIRECTOR CONTROLLER OF EXAMINATION
1st Floor, 11th Saddar Town Building, Near Kala Pul, Karachi

ADMIT CARD

CANDIDATE'S COPY

(No photocopy allowed)

Annual Examination 2017-18

Fold here

Roll No. 003381

To be filled by Candidate

NAME

FATHER'S NAME

TRAINING CENTRE

COURSE

EXAMINATION CENTRE

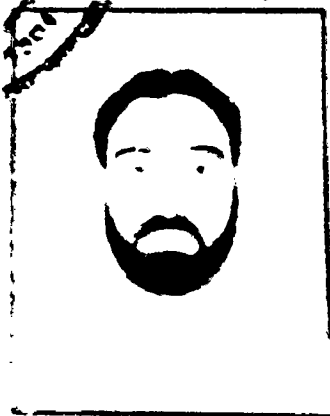


Fold here

Enrollment No.

Session

NICN



HEAD

Fold here

SCHEDULE OF EXAMINATION

- 1) Theory Paper
- 2) Practical - Viva examination is anticipated

Signed before me
Head of Institute
Stamp with name

Signature of Candidate

24

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

DISCIPLINARY ACTION


(25)

(12)

1. I, Fareeha Paul, Secretary Khyber Pakhtunkhwa Public Service Commission as Competent Authority, am of the opinion that **Mr Khalilullah Junior Clerk**, Khyber Pakhtunkhwa PSC, has rendered himself liable to be proceeded against as he committed the following acts of omissions/commission within the meaning of Section-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- a) He took admission in Medical Faculty, Karachi for Diploma of Laboratory without seeking permission / NOC from competent authority, which is violation of rules.
 - b) He remained absent from official duty w.e.f. 08.08.2020 to 03.09.2020 without permission of competent authority.
 - c) He is guilty of misconduct.
2. For the purpose of inquiry against the said accused with regard to the above allegations **Mr. Tanzeel ur Rehman Assistant Psychologist** is appointed as Inquiry Officer under the provisions of Rule 10 (1) (a) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.
 3. The Inquiry Officer shall, in accordance with the provisions of the rules ibid, provide reasonable opportunity of hearing to the accused, record his findings and make within thirty (30) days of the receipt of this order, recommendations as to the punishment or other appropriate action against the accused.
 4. The accused official as well as conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry Officer.


(FAREEHA PAUL)
SECRETARY PSC/
COMPETENT AUTHORITY

COMPETENT AUTHORITY

No.KP/PSC/Admn/PF-212/

008797

Dated: 10-09-2020

A copy of above is forwarded to:-

1. Tanzeel-ur-Rehman Assi. Psychologist, Khyber Pakhtunkhwa Public Service Commission for initiating proceedings against the accused under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.
2. **Mr Khalilullah Junior Clerk**, Khyber Pakhtunkhwa Public Service Commission with the directions to appear before Inquiry Committee, on the date, time and place fixed by Inquiry Committee, for the purpose of inquiry proceedings.
3. **Mr. Kashif Adnan Assistant Admn Branch**, Khyber Pakhtunkhwa Public Service Commission with the direction to assist the inquiry committee during the inquiry proceedings and provide the relevant record.

ASSISTANT DIRECTOR (ADMN)



(A)
(26)

KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

CHARGE SHEET

I, Fareeha Paul, Secretary Khyber Pakhtunkhwa Public Service Commission, Competent Authority, hereby charge you, **Mr Khalilullah, Junior Clerk**, Khyber Pakhtunkhwa Public Service Commission as follows:-

2. That you, while working as Junior Clerk Khyber Pakhtunkhwa Public Service Commission committed the following irregularities:-

- a) You took admission in Medical Faculty, Karachi for Diploma of Laboratory without seeking permission / NOC from competent authority, which is violation of rules.
- b) You remained absent from official duty w.e.f. 18.08.2020 to 03.09.2020 without permission of competent authority.
- c) Guilty of misconduct.

3. By reasons of the above, you appear to be guilty of misconduct, inefficiency and habitually absenting from duty without prior approval as provided under Rule 3 (a) (b) (d) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Section-4 of the rules ibid.


3. You are, therefore, required to submit your written defence within seven (07) days of the receipt of this charge sheet to the Inquiry Committee.

4. Your written defence, if any, should reach the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5. You must also intimate whether you desire to be heard in person or otherwise.

6. A statement of allegations is enclosed.

*Attended
Jal
10/9/20*


(FAREEHA PAUL)
SECRETARY PSC/
COMPETENT AUTHORITY

*Jawid
10-9-2020
4
10-9-2020*

INQUIRY

(27)

As per office order No. *KP/PSC/Admn/PF-212/008797* dated **10/09/2020**, from honorable Secretary Khyber Pakhtunkhwa Public Service Commission. It is requested to summon the accused Mr. Khalil Ullah, Junior Clerk, Khyber Pakhtunkhwa PSC, to appear before the Inquiry Officer and submit his written defence on Tuesday **15 September 2020**, at **11: 00 am** in the office of Assistant Psychologist Khyber Pakhtunkhwa PSC.

Tanzil ur Rehman
11-9-2020
Tanzil ur Rehman
Assistant Psychologist
KP PSC
(Inquiry Officer)

AD Admn.

put up letter

mf
ub

BA

Needful done DFA is added for signature please.

EA *to wing*
11-9-2020

copy

(A)
Attended
for
copy

mf
11-9

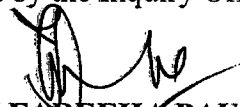
KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

DISCIPLINARY ACTION

1. I, Fareeha Paul, Secretary Khyber Pakhtunkhwa Public Service Commission as Competent Authority, am of the opinion that **Mr Khalilullah Junior Clerk**, Khyber Pakhtunkhwa PSC, has rendered himself liable to be proceeded against as he committed the following acts of omissions/commission within the meaning of Section-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- a) He took admission in Medical Faculty, Karachi for Diploma of Laboratory without seeking permission / NOC from competent authority, which is violation of rules.
- b) He remained absent from official duty w.e.f. 08.08.2020 to 03.09.2020 without permission of competent authority.
- c) He is guilty of misconduct.
2. For the purpose of inquiry against the said accused with regard to the above allegations **Mr. Tanzeel ur Rehman Assistant Psychologist** is appointed as Inquiry Officer under the provisions of Rule 10 (1) (a) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.
3. The Inquiry Officer shall, in accordance with the provisions of the rules ibid, provide reasonable opportunity of hearing to the accused, record his findings and make within thirty (30) days of the receipt of this order, recommendations as to the punishment or other appropriate action against the accused.
4. The accused official as well as conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry Officer.


(FAREEHA PAUL)
SECRETARY PSC/
COMPETENT AUTHORITY

Handwritten signature
008797
No.KP/PSC/Admn/PF-212/

Dated: 10-09-2020

A copy of above is forwarded to:-

1. Tanzeel-ur-Rehman Assi. Psychologist, Khyber Pakhtunkhwa Public Service Commission for initiating proceedings against the accused under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.
2. **Mr Khalilullah Junior Clerk**, Khyber Pakhtunkhwa Public Service Commission with the directions to appear before Inquiry Committee, on the date, time and place fixed by Inquiry Committee, for the purpose of inquiry proceedings.
3. **Mr. Kashif Adnan Assistant Admn Branch**, Khyber Pakhtunkhwa Public Service Commission with the direction to assist the inquiry committee during the inquiry proceedings and provide the relevant record.

ASSISTANT DIRECTOR (ADMN)

(29)



KHYBER PAKHTUNKWA
PUBLIC SERVICE COMMISSION

2-Fort Road Peshawar Cantt.
Tele: No: 091-9214131

No.KP/PSC/Admn/GF-561/

008893-94

Date: 11/9/2020

To

Mr. Khalil Ullah Junior Clerk,
Khyber Pakhtunkhwa Public Service Commission.

Subject: ENQUIRY PROCEEDINGS

I am directed to refer to subject noted above and state that you are required to appear before the inquiry Officer on 15.09.2020 at 11:00 A.M in the office of Assistant Psychologist Khyber Pakhtunkhwa Public Service Commission for inquiry proceedings / personal hearing.

2. You are informed to join the inquiry proceedings on the date, time and venue given above, so as to proceed in the matter accordingly.

Assistant Director (Admn)

Copy to:

1. PS to Secretary, Khyber Pakhtunkhwa PSC for information please.
2. The Assistant Psychologist, Khyber Pakhtunkhwa PSC.

Attended

*File
to kppsc*

11-10-2020

11-10-2020

11-11-20

Assistant Director (Admn)

30

37

TABLE OF CONTENTS

Sr.NO	Description	Page No
1.	Inquiry Report	1-3
2.	Charge Sheet and Office order of the inquiry Officer (Annex-A)	4-5
3.	Notice to the accused for his written statement and personal hearing (Annex-B)	6-7
4.	Written statement and questionnaire of the accused (Annex-C)	8-20
5.	Notice to the Administration PSC for leave file of the accused and accused's leave file (Annex-D)	21-27
6.	Replies of the accused to the questions (Annex-E)	28-30
7.	Khyber Pakhtunkhwa Government Servant (Conduct) Rules 1987 regarding Evening Classes (Annex-F)	31
8.	Queries from Supervisors of the accused regarding accused's Permission / NOC (admission), admission and classes in Diploma of Laboratory Technician in Medical Faculty Karachi (Annex-G)	32-35

Affected
his
copy

Submitted
08-10-2020
Qasim Khan

Examine & put up

DDA

Principal
9/10
9/10

BA

Subject: **INQUIRY REPORT**

The undersigned was assigned to conduct an inquiry by the Competent Authority (Secretary Khyber Pakhtunkhwa Public Service Commission) through the Office Order No.KP/PSC/Admn/PF-212/008797 dated 10-09-2020 (Annex-A), against the accused Khalil Ullah, Junior Clerk, KP PSC.

The Charges leveled against the accused in the Charge Sheet are as follow:

- a) He took admission in Medical Faculty Karachi for the Diploma of Laboratory Technician without seeking permission / NOC from the Competent Authority which is a violation of the rules.
- b) He remained absent from official duty w.e.f. 18/08/2020 to 03/09/2020, without permission of the Competent Authority.
- c) Guilty of mis-conduct.

PROCEEDINGS

In compliance with order dated 10/09/2020 from Competent Authority, the accused was summoned to record his written statement. Administration PSC summoned the accused through a letter (11/09/2020) to submit his written statement and also appear before the Inquiry Officer on 15/09/2020 (Annex-B). Accused submitted his written statement on 14/09/2020 and appeared before the Inquiry Officer on 15/09/2020. Accused was given a questionnaire. The accused answered the questions in the questionnaire (Annex-C). On 18/09/2020, Assistant Director (Administration) PSC was requested to provide the Application file of the accused which was provided on the same day (Annex-D). On 01/10/2020, the accused was asked to appear before the Inquiry Officer to answer some questions. The accused appeared before the Inquiry Officer and submitted replies to the Questions (Annex E). On 01/10/2020, supervisors of the accused's were asked to provide some information regarding the accused. They provided the information to the Inquiry Officer (Annex-F).

32

2

FINDINGS

From perusal of the written statements and answers of the accused and other documented evidences on record the Inquiry Officer found that on 17/08/2020, the accused gave an application for leave from 18/08/2020 to 03/09/2020 to the Competent Authority. The accused requested the leave for his examination of the Diploma of Laboratory Technician in Medical Faculty Karachi. Accused's application was recommended by the Head of his section i.e. Director Examination and was forwarded to administration PSC for approval on 17/08/2020 from the Competent Authority. Administration section PSC put up the file on 24/08/2020 to Assistant Director Administration and was forwarded to Director Examination for comments by the Deputy Director Administration on 25/08/2020. Director Examination wrote comments on the application file on 26/08/2020 and recommended leave for the accused and was forwarded to Secretary PSC.

The accused submitted his application on 17/08/2020 and left for Karachi on 18/08/2020, without the approval of his leave application from the Competent Authority. According to the statement of accused, he was informed by Deputy Director Administration on 01/09/2020, that his leave application has not been approved by the Competent Authority. The accused said that he returned to Peshawar without participating in the Viva which was scheduled on 02/09/2020. It was also found that the accused was having no permission / NOC for admission in Medical Faculty Karachi and also for attending the examination. According to the accused, he was unaware of the rules of taking NOC for admission or examination from the Competent Authority.

CONCLUSION

After thoroughly examining the statements and documented evidences, the Inquiry Officer came to the conclusion, that the accused is guilty of the charges of not seeking permission / NOC from competent authority for admission in Medical Faculty Karachi, remained absent from 18/08/2020 to 03/09/2020 without the permission of Competent Authority and Guilty of mis-conduct. He was not having any permission (NOC) for admission in Medical Faculty Karachi and attending the examination. Accused left the office knowing that his application has not been approved by the Competent Authority, thus making himself liable to the allegations above.

The Inquiry Officer also observed that processing procedure of leave application of the accused was slow due to which he was informed late (01/09/2020) about the refusal of his leave application.

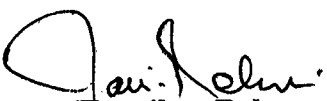
It also came to the notice that the accused never took classes (*Annex-G, replies of the accused's supervisors, page 32-35*) for the Diploma of Laboratory Technician and never gave any examination before. According to the Khyber Pakhtunkhwa Government Servant (Conduct) Rules 1987, "*No formal permission is required if a government servant is attending classes / courses outside the office hours. The government servant may only inform the Head of his/her Department for taking such classes / courses. If, however it is found that by attending such classes / courses, the work of the government servant is suffering, the Head of the Department may, by an order, stop the government servant from attending such classes / courses.*" (*Annex-F, page-31*).

It is also evident from the application of the accused that the official responsibilities of the accused were took over by Junior Clerk Mr. Umar Farooq, PSC and it was recommended by the Director Examinations but Competent Authority is the final authority for approval.

RECOMMENDATIONS

The Competent Authority may proceed as deem proper.




(Tanzil ur Rehman)
Assistant Psychologist
(Inquiry Officer)

08-10-2020

Secretary PSC



KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

CHARGE SHEET

1. Fareeha Paul, Secretary Khyber Pakhtunkhwa Public Service Commission, Competent Authority, hereby charge you, **Mr Khalilullah, Junior Clerk**, Khyber Pakhtunkhwa Public Service Commission as follows:-
2. That you, while working as Junior Clerk Khyber Pakhtunkhwa Public Service Commission committed the following irregularities:-
 - a) You took admission in Medical Faculty, Karachi for Diploma of Laboratory without seeking permission / NOC from competent authority, which is violation of rules.
 - b) You remained absent from official duty w.e.f. 18.08.2020 to 03.09.2020 without permission of competent authority.
 - c) Guilty of misconduct.
3. By reasons of the above, you appear to be guilty of misconduct, inefficiency and habitually absenting from duty without prior approval as provided under Rule 3-(a) (b) (d) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Section-4 of the rules ibid.
3. You are, therefore, required to submit your written defence within seven (07) days of the receipt of this charge sheet to the Inquiry Committee.
4. Your written defence, if any, should reach the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
5. You must also intimate whether you desire to be heard in person or otherwise.
6. A statement of allegations is enclosed.

Handwritten signature/initials

Handwritten signature
(FAREEHA PAUL)
SECRETARY PSC/
COMPETENT AUTHORITY

39


KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

DISCIPLINARY ACTION

1. I, Fareeha Paul, Secretary Khyber Pakhtunkhwa Public Service Commission as Competent Authority, am of the opinion that **Mr Khalilullah Junior Clerk**, Khyber Pakhtunkhwa PSC, has rendered himself liable to be proceeded against as he committed the following acts of omissions/commission within the meaning of Section-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS

- a) He took admission in Medical Faculty, Karachi for Diploma of Laboratory without seeking permission / NOC from competent authority, which is violation of rules.
 - b) He remained absent from official duty w.e.f. 08.08.2020 to 03.09.2020 without permission of competent authority.
 - c) He is guilty of misconduct.
2. For the purpose of inquiry against the said accused with regard to the above allegations **Mr. Tanzeel ur Rehman Assistant Psychologist** is appointed as Inquiry Officer under the provisions of Rule 10 (1) (a) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.
3. The Inquiry Officer shall, in accordance with the provisions of the rules ibid, provide reasonable opportunity of hearing to the accused, record his findings and make within thirty (30) days of the receipt of this order, recommendations as to the punishment or other appropriate action against the accused.
4. The accused official as well as conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry Officer.


(FAREEHA PAUL)
SECRETARY PSC/
COMPETENT AUTHORITY

Attended
copy

No.KP/PSC/Admn/PF-212/

008797

Dated: _____

A copy of above is forwarded to:-

1. Tanzeel-ur-Rehman Assi. Psychologist, Khyber Pakhtunkhwa Public Service Commission for initiating proceedings against the accused under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.
2. **Mr Khalilullah Junior Clerk**, Khyber Pakhtunkhwa Public Service Commission with the directions to appear before Inquiry Committee, on the date, time and place fixed by Inquiry Committee, for the purpose of inquiry proceedings.
3. **Mr. Kashif Adnan Assistant Admn Branch**, Khyber Pakhtunkhwa Public Service Commission with the direction to assist the inquiry committee during the inquiry proceedings and provide the relevant record.

ASSISTANT DIRECTOR (ADMN)

INQUIRY

Annex

-B-

As per office order NO. KP/PSC/Admn/PF-212/008797 dated **10/09/2020**, from honorable Secretary Khyber Pakhtunkhwa Public Service Commission. It is requested to summon the accused Mr. Khalil Ullah, Junior Clerk, Khyber Pakhtunkhwa PSC, to appear before the Inquiry Officer and submit his written defence on Tuesday **15 September 2020**, at **11: 00 am** in the office of Assistant Psychologist Khyber Pakhtunkhwa PSC.

Tanzil ur Rehman
11-9-2020.

Tanzil ur Rehman
Assistant Psychologist
KP PSC
(Inquiry Officer)

AD Admin.

*Assisted
by
computer*



KHYBER PAKHTUNKWA
PUBLIC SERVICE COMMISSION

2-Fort Road Peshawar Cantt.
Tele: No: 091-9214131

008894

No.KP/PSC/Admn/GF-561/

Date: 1/9/2020

To

Mr. Khalil Ullah Junior Clerk,
Khyber Pakhtunkhwa Public Service Commission.

Subject: ENQUIRY PROCEEDINGS

I am directed to refer to subject noted above and state that you are required to appear before the inquiry Officer on 15.09.2020 at 11:00 A.M in the office of Assistant Psychologist Khyber Pakhtunkhwa Public Service Commission for inquiry proceedings / personal hearing.

2. You are informed to join the inquiry proceedings on the date, time and venue given above, so as to proceed in the matter accordingly.

Assistant Director (Admn)

Copy to:

1. PS to Secretary, Khyber Pakhtunkhwa PSC for information please.
2. The Assistant Psychologist, Khyber Pakhtunkhwa PSC.

Assistant Director (Admn)

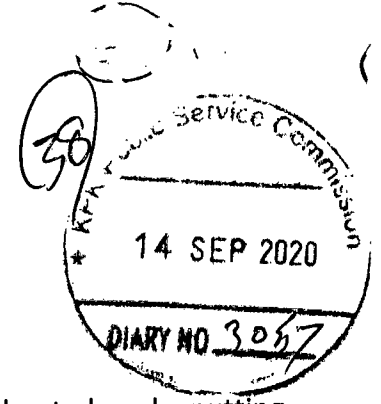
Attached
his
copy

To

The Inquiry Officer,
Mr. Tanzeel ur Rehman, Psychologist,
Khyber Pakhtunkhwa Public Service Commission Peshawar.

Subject: **REPLY TO CHARGE SHEET**

Dear Sir,



With due respect it is stated that the office has charge sheeted me by putting following allegations:

- d) You took admission in Medical Faculty, Karachi for Diploma of Laboratory without seeking permission / NOC from competent authority, which is violation of rules.
- e) You remained absent from official duty w.e.f 18.08.2020 to 03.09.2020 without permission of competent authority.
- f) Guilty of misconduct.

In response to above mentioned allegations my reply / justifications are as under:

- d) Back in 2003 I took certificate of Medical Technician from Pakistan Institute of Medical Technologies Peshawar (**Annex-I**). Later on it came into notice that the said institution has no more recognition with the Government. The institution offered the students to participate in exams from recognized institutions like Jinnah Medical College Peshawar for diploma purpose on their behalf but due to timely uniformed I could not avail the opportunity. In 2017, few of my friends enrolled themselves in Medical Faculty Karachi for Diploma on the basis of previous certificate and advised me to do so. Three years back, they took my certificate and enrolled me for the session 2017-18 (**Annex-II**). Being junior employee in the office, serving in the rank of Junior Clerk, I was unaware / uneducated about the process / rules for taking admissions anywhere.
- e) After that unfortunate admission I forgot that I had any admission. On 12th August 2020 when Covid-19 Pandemic statistics came down I was informed through telephonic call that Exam is going to be held w.e.f 20th August 2020. On the same date i.e 12th August 2020 (Wednesday) the office has also issued circular to open office w.e.f 17.08.2020 (Monday)(**Annex-III**). On first day of my duty early in the morning I submitted my application for 15 days exam leave addressed to the Hon'ble Secretary KPPSC routed through my working Branch so as to get permission of my branch head before submitting to the competent authority. The head of my Section i.e Hon'ble Director Examination when forwarded my application with no objection to Admn Section then I got sure that it will be allowed by kind-self of Hon'ble Secretary KPPSC too and keeping in view very short time for my exam I left for Karachi to take part their-in. If the Admn Brach called me well in time I would be back without participating in Exam but I got call from Hon'ble DD Admn on 01.09.2020 which was too late. After the said call, I immediately travelled back to office without participating in my Viva which was scheduled on 02.09.2020.
- f) I have not been guilty of misconduct ever. My service record is not so bad. I always obeyed orders of my seniors and performed my official duties with devotions and commitment.

*Approved
Khalil Ullah
14/9/20*

In charge sheet it is also mentioned that I am inefficient and remains habitually absent from duty which is totally wrong. Being Junior Clerk, I always completed my assigned tasks well in time and gave 100% outcome. As far as my attendance is concerned, I availed leaves only when necessarily required and after approval of the competent authority. My biometric attendance as well as attendance register of my branches where I served can also be checked for my regular presence in the office.

The mistakes where occurred were totally un-intentional and only due to less knowledge / unawareness of rules.

Yours faithfully

KhalilUllah, Junior Clerk KPPSC

Dated: 14.09.2020

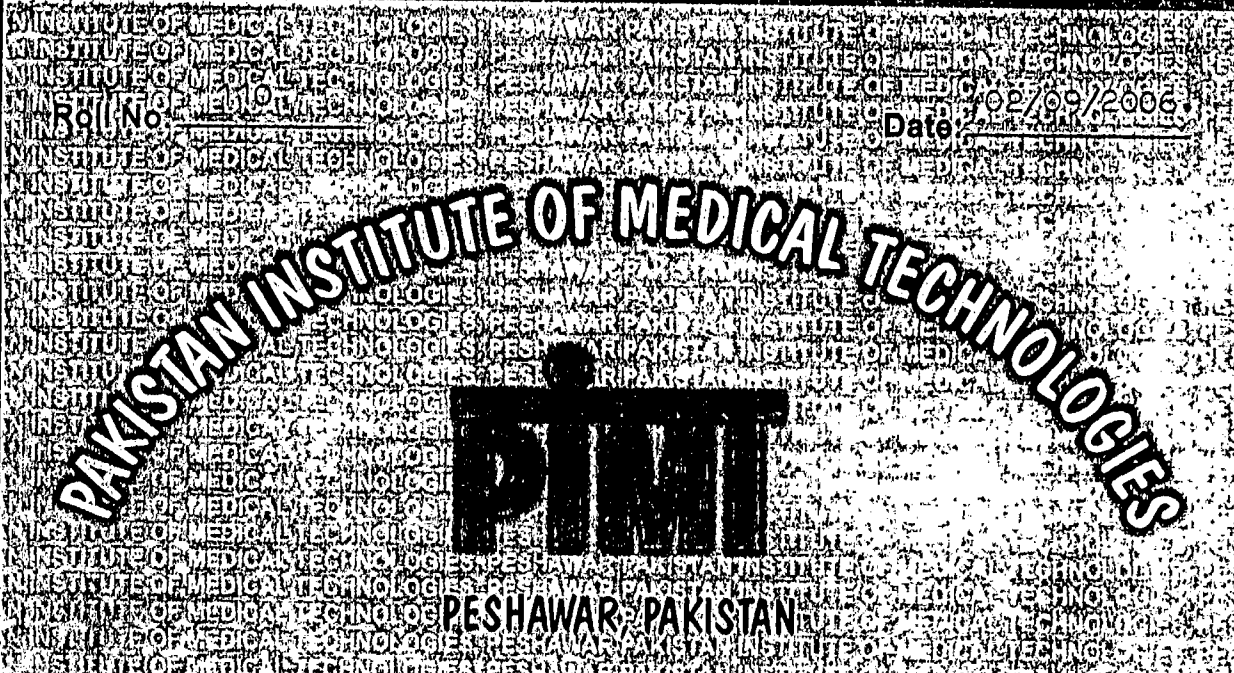
14/9

*4/10
14-9-2020*

Attended
Jaid
Lodipre

39

PAKISTAN INSTITUTE OF MEDICAL TECHNOLOGIES, PESHAWAR PAKISTAN INSTITUTE OF MEDICAL TECHNOLOGIES, PESHAWAR
PAKISTAN INSTITUTE OF MEDICAL TECHNOLOGIES, PESHAWAR PAKISTAN INSTITUTE OF MEDICAL TECHNOLOGIES, PESHAWAR
PAKISTAN INSTITUTE OF MEDICAL TECHNOLOGIES, PESHAWAR PAKISTAN INSTITUTE OF MEDICAL TECHNOLOGIES, PESHAWAR

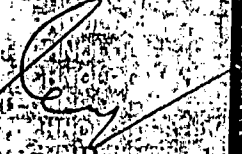


PAKISTAN INSTITUTE OF MEDICAL TECHNOLOGIES

PINT

COURSE COMPLETION CERTIFICATE

This is to certify that Mr/Miss Mr. Khalid Ullah
 S/O/D/O: Mr. Palla Ullah is a regular
 student of Perthology technology (session Oct. 2003 to Sep. 2004) has
 completed One year course successfully in Pakistan Institute of
 Medical Technologies, Peshawar. He/she is an intelligent, hard working and
 obedient student.
 Wish him/her success in his/her future assignments.


 Principal

PAKISTAN INSTITUTE OF MEDICAL TECHNOLOGIES, PESHAWAR PAKISTAN INSTITUTE OF MEDICAL TECHNOLOGIES, PESHAWAR
PAKISTAN INSTITUTE OF MEDICAL TECHNOLOGIES, PESHAWAR PAKISTAN INSTITUTE OF MEDICAL TECHNOLOGIES, PESHAWAR
PAKISTAN INSTITUTE OF MEDICAL TECHNOLOGIES, PESHAWAR PAKISTAN INSTITUTE OF MEDICAL TECHNOLOGIES, PESHAWAR

Sindh Medical Faculty

REGULAR
(Gross)



DIRECTOR / CONTROLLER OF EXAMINATION
1st Floor, THQ Sindh Town Building, Near Kala Pul, Karachi.

ADMIT CARD

CANDIDATE'S COPY

(No photocopy allowed)

Annual Examination 2017-18

Fold here

Roll No. 003381

(To be filled by Faculty)

NAME: Khalidullah

FATHER'S NAME: Faizullah

TRAINING CENTRE:

COURSE: Lab

EXAMINATION CENTRE: BIF

Fold here

Enrolment No. BIF/2017/18/3381

Session 2017-18

NLC No: 7301-15021817



DIRECTOR / CONTROLLER

HEAD

PRINCIPAL

BLESSING INSTITUTE OF C

Fold here

SCHEDULE OF EXAMINATION

- 1) Theory Paper
- 2) Practical / Viva examination as announced.

PRINCIPAL
BLESSING INSTITUTE OF
PARAMEDICALS/BIP

(Signed before me)

Head of Institute
Stamp with name

Signature of Candidate

40



KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

(11)

CIRCULAR

The competent authority has been pleased to order that all Wings of Khyber Pakhtunkhwa Public Service Commission i.e. Administration, Examination, Recruitment, Psychology and Litigation shall start their office routine work with complete staff w.e.f. 17.08.2020. All officers / officials shall observe SOPs, wear face masks and keep necessary social distance to prevent the spread of COVID-19.

2. Wearing of face mask is compulsory. Whoever is violating this instruction would be proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

3. Moreover, the following office timing as notified by Administration Department vide Notification No.E&A(AD)/04(01)/2020 dated 03.08.2020 shall be strictly observed:-

I.	Monday to Thursday	<u>09:00 am to 05:00 pm</u> With 30 minutes break for prayer from 01:00 pm to 01:30 pm.
II.	Friday	<u>09:00 am to 05:00 pm</u> With one hour break for prayer from 12:30 pm to 01:30 pm.

--sd/--

Chairman PSC

No. KPK/PSC/Admn/ 1173

Dated: 12/8/2020

Copy to:-

1. PS to Chairman, Khyber Pakhtunkhwa PSC,
2. PS to Member-I, II, III, IV, V, VI, VII & VIII, Khyber Pakhtunkhwa PSC.
3. PS to Secretary, Khyber Pakhtunkhwa PSC.
4. All officers/officials, Khyber Pakhtunkhwa PSC.
5. Office Order file.

Assistant Director

*Attended
his
copy*

The Secretary,
KPK Public Service Commission,
Peshawar.

(42)

Subject: APPLICATION FOR FIFTEEN DAYS EARNED LEAVE:

R/Madam,

With humble submission it is stated that my papers for the Diploma of Laboratory Technician are to be held w.e.f. 20-08-2020 in Medical Faculty Karachi. Therefore, I am requested for fifteen (15) days earned leave from 18-08-2020 to 03-09-2020. (Date sheet and Roll number slip attached).

I shall be very thankful to you for this favors.

Handwritten note:
Hassan
had
compose

Yours Sincerely,

Handwritten signature: YUD 17/8/20
(KHALIL ULLAH)
J/C Exams(c)

Dated: 17-08-2020.

2 I will be perform duty in absence of Mr. Khalit Ullah J/C during his leave period.

Asst He may be allowed plz.

Handwritten signature: @/ 17/8/2020
UMAR FAROOQ

Sec II

Handwritten signature: 17/08/2020

ck/c

Handwritten signature: 17/08/2020
17/8/2020

Handwritten note: by Mr. Umar Farooq

4 leave applied for may be allowed as Mr. Umar Farooq will take over his secret in his absence plz.
Subscribed by *Handwritten signature* 17-8/20

BETTER COPY

To,

The Secretary,
KPK Public Service Commission,
Peshawar.

43

Subject: APPLICATION FOR FIFTEEN DAYS EARNED LEAVE:

R/Madam,

With humble submission it is stated that my papers for the Diploma of Laboratory Technician are to be held w.e.f. 20-08-2020 in Medical Faculty Karachi. Therefore, I am requested for fifteen (15) days earned leave from 18-08-2020 to 03-09-2020. (Date sheet and Roll number slip attached).

I shall be very thankful to you for this favors.

Yours Sincerely,

Sd/-
(KHALIL ULLAH)
J/C Exams(c)

Dated: 17-08-2020

2. I will be perform duty in absence of Mr. Khalil Ullah J/C during his leave period.

Sd/-
Umar Farooq J/C

3 Asst. He may be allowed plz.

Sd/-
17/08/2020
Assistant

SEC II:

Sd/-
17/08/2020
Superintendent

C E/ C

Sd/-
17/08/2020
Controller Exam Conduct

4 Dy Director Exam:-
Leave application may be allowed as Mr. Umar Farooq will look after his seat in his absence pls.

Sd/-
17/08/2020
Deputy Director Exam

DE

Sd/-
17/08/2020
Director Exam

DDA

Put up on file

Sd/-
Deputy Director Admn

ADA

س: آپ نے میڈیکل فیکلٹی کراچی میں داخلہ کب کیا یعنی مکمل فارم کیسے کیا تھی؟

جواب: میں نے اپنے دستوں کو لیا تھا۔ میں خود میں لیا تھا کراچی داخلہ فروری/ مارچ ۲۰۱۶ میں ہوا تھا۔

س: آپ نے کوئی ڈپلومہ میں داخلہ کیا اور یہ کتنے عرصے کا تھا یعنی یہ ڈپلومہ کتنے سال کا تھا؟

جواب: میں نے ڈپلومہ میڈیکل لیسارٹری ایک سال کے ڈپلومہ میں داخلہ لیا تھا۔

نسب

س: آپ جنسی امتحان کیلئے کراچی گئے تھے کیا یہ منگورا ڈپلومہ کیلئے پہلا امتحان تھا؟

جواب: جی ہاں یہ میرا پہلا ہی امتحان تھا۔

صبر اللہ
۱۵/۹/۱۵

(45)

میں۔ کرونا وائرس وبا کے وجہ سے سارے تعلیمی ادارے بند تھے اور
امتحانات منسوخ کروانے پر پابندی تھی پھر منسوخ اور امتحان کیسے
ہوا؟

:- 12⁸/₂₀₂₀ کو منسوخ شدہ امتحان کی تاریخ نے عدالت کی جانب سے مختلف امتحانات
کا۔ سب سے پہلے امتحان کی Date sheet دی گئی تھی اس نے جس سے امتحان کی
جو جس نے اپنے درخواست کے ساتھ معافی تھی۔ اس سے پہلے اس
نے سرسید کے بھی امتحان لینے تھے۔

ضلعی ایگزیکٹو
15/9/20

تتم

ہی :- آپ پبلک سروس کمیشن میں کب سے کام کر رہے ہیں ؟
جواب :- میں پبلک سروس کمیشن میں 3⁰⁵/₂₀₀₈ سے کام کر رہا ہوں .

س :- کیا آپ کو NOC قواعد و ضوابط کا علم تھا ؟

جی مجھے NOC کے قواعد و ضوابط کا بائیس ہی علم نہیں تھا اور نہ ہی مجھے کسی نے بتایا تھا کہ اس کو NOC بھی کہتے ہیں کیونکہ میرا پہلا امتحان تھا تو اسے مجھے بائیس ہی علم نہیں تھا ورنہ میں ضرور NOC لیتا .

نہ

س :- بارہ (12) سالہ ملازمت کے دوران کبھی آپ نے خود یا کسی سینئر نے آپ کو NOC کے بارے میں بتایا یا آپ نے کسی سے پوچھا ؟ تقریباً

:- جناب میرے ان 12 سالوں میں نہ مجھے NOC کے بارے میں علم تھا اور نہ ہی کسی نے مجھے بتایا تھا کیونکہ میں نے اس سے پہلے کوئی بھی امتحان نہیں دیا تھا .

جلسہ نمبر
15/9/20

س۔ آپ نے بھی کیلئے درخواست کب دی تھی اور آپ کو بھی کب سے کب تک جانیے تھی ؟

جواب :- جناب میں 17⁸/₂₀₂₀ کو اپنے دفتر میں چھٹی لپڈ درخواست دی تھی جو کہ 18⁸/₂₀₂₀ سے 3⁹/₂₀₂₀ تک تھی .

س۔ کیا آپ کی پچھٹی کی درخواست منظور ہو چکی تھی ؟

جواب :- جناب میری درخواست پر میرے آفس اسٹنٹ سے لیکر میرے ڈائریکٹر تک فارمی بیرونی تھی . جو کہ میرا استعفیٰ 20⁸/₂₀₂₀ سے کراچی میں شروع ہوا تھا لہذا ڈائریکٹر تک میری پچھٹی کی درخواست منظور بیرونی نہیں تھی .

س۔ ڈائریکٹر تک درخواست کیا آپ نے خود کروائی تھی یا ~~کسی~~ کسی اور نے کروائی ؟

تسلیم

جواب :- میں نے اسٹنٹ ڈائریکٹر تک درخواست خود کرائی تھی ڈپٹی ڈائریکٹر اور ڈائریکٹر کو فائل پر آفس کے کام نہ کرنے جاتی ہے . میں نے خود ڈائریکٹر سے نہیں کرائی تھی .

خلیل اللہ
15/08/20

میں... ڈائریکٹر سے آپکی چھٹی کی درخواست براہ راست ایڈمنسٹریٹو برانچ بھیجی گئی تھی یا ڈائری برانچ کے ذریعے بھیجی گئی تھی؟

:- میرے چھٹی کی درخواست ڈائریکٹر صاحب نے خود ایڈمنسٹریٹو برانچ کو بھیجی تھی۔

س:- کیا آپ نے معلوم کیا کہ آپ کی چھٹی کی درخواست

محاز اختفاری سے منظور ہوئی یا نہیں؟

:- جناب کیونکہ 17/8/2020 کو بیمار آفس میں 20/8/2020

کو میرا ہسپتال پر تھی کراچی میں 17/8/2020 کو میں نے اپنے درخواست

کو اپنے ڈائریکٹر صاحب سے کراچی 18/8/2020 کو کراچی لیڈ راور

یوں خدمت کی تھی کہ وہ میرے ہسپتال میں رہا جس سے کراچی میں سمجھا

کہ ڈائریکٹر صاحب نے میں چھٹی دی تو میرے چھٹی ہوئی تو میرا

تسلی

خلیل الرحمن
15/9/20

س :- اس سے پہلے بھی کئی اس طرح دفتر سے بغیر اجازت کے
غیر حاضر رہے ؟

:- نہیں جی میں کبھی بھی دفتر درخواست کے بغیر اجازت سے
غیر حاضر نہیں ہوا ہوں۔ اگر کبھی بھی عہدے میں آکر یا دو
گھنٹے گزرتے تو درخواست دیکر کرتا۔ آپ صاحبان سے پوچھ
پوچھ کر سرورس کی جانمیری کھا رہا ہوں۔ سلیج میں ہیں۔ میں
اپنی ڈیوٹی پورے ایمان داری سے کرتا ہوں اور کرتا رہوں گا۔

جلسہ التعمیر
15-9-20

تعمیر

س: آپکو تب اور کس طرح پتہ چلا کہ آپکی چھٹی کی درخواست منظور نہیں ہوئی؟

= جناب مجھے 9/2020 کو ڈپٹی ڈائریکٹر ایڈمن 2:05 PM کو فون پر بتایا کہ آپکی چھٹی منظور نہیں ہوئی ہے۔ اگر مجھے وقت ہے فون لینے بیٹھا تو پھر صبری ہی والیں آتا اور اپنے آفس میں ڈپٹی کیلئے حاضر ہوں۔

س: آپ نے پہلے بھی اس طرح کی چھٹی لی؟
= نہیں جی میں پہلے بھی اس طرح کی چھٹی نہیں لی ہے۔

تسار

س: اس طرح کی چھٹی لینے کیلئے آپ کو طریقہ کار کا پتہ تھا؟
= اسٹیٹمنٹ کی چھٹی لینے کا مجھے Confirm پتہ نہیں تھا۔ اس سے پہلے 3 آئیے، دو تین کی چھٹی لیتے۔ بس اپنے ڈائریکٹر صاحب سے کروانے جانتے تھے۔

خلیل اللہ
15/9/20

میں :- اس کے علاوہ اگر آپ مزید اپنے دفاع میں کچھ کہنا چاہتے ہیں؟

:- نہیں جی نہیں اس کے علاوہ میں اور کچھ بھی کہنا نہیں چاہتا
بس جو بھی سچ تھا وہ بتا دیا۔

علی اللہ
15/8/20

نہیں